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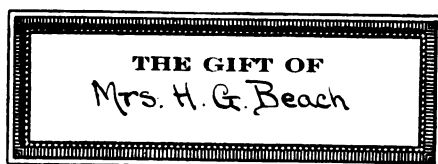
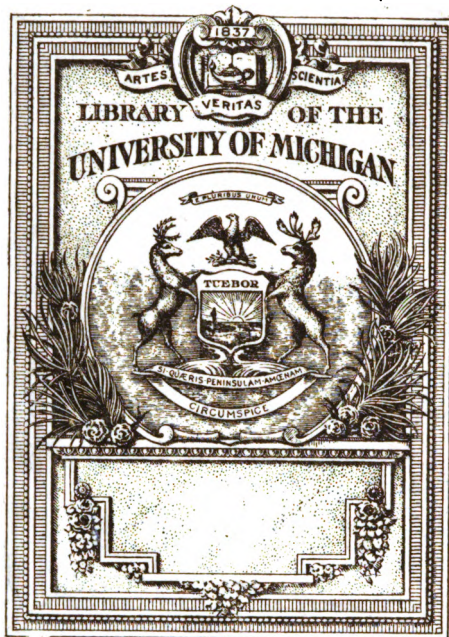
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STORAGE

B 51189 4

Laws Enacted by the Legislature
AFFECTING
The Municipality of Detroit.
—
1901.



JS
834

Michigan, Session of 1901, 2d.

... LAWS ...

ENACTED BY

The Legislature of 1901

AFFECTING

THE MUNICIPALITY OF DETROIT.

PUBLISHED BY ORDER OF THE COMMON COUNCIL.

DETROIT:
THE RICHMOND & BACKUS CO.
1901

20

AN ACT

To amend Sections one, two and thirteen of Chapter two, and Sections one and twenty-five of Chapter four of an Act entitled "An Act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred eighty-three.

The People of the State of Michigan enact:

Section 1. That sections one, two and thirteen of chapter two, and sections one and twenty-five of chapter four of an act entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred eighty-three, as heretofore amended be and the same are hereby amended so as to read as follows:

CHAPTER II.

Section 1. No city election shall be held in November, nineteen hundred one, and annual city elections are hereby abolished. Annual City Elections abolished.
A biennial city election shall be held on the first Tuesday after the first Monday in November in the year nineteen hundred two, Biennial City Elections, when held. and every second year thereafter in connection with the general State election held on the same day and to be conducted by the same officers. A biennial spring election shall be held on the first Monday of April in the year nineteen hundred three, and every second year thereafter in connection with the State judicial election held on the same day, and to be conducted by the same officers. Biennial Spring Elections, when held. The election districts in the several wards of the city of Detroit as now established shall remain until they shall be changed as provided by this act. It shall be the duty of the common council when any election district shall contain Election Districts. Division of Election Districts.

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over six hundred and fifty electors to either divide such voting district into two or more election districts, attach a portion thereof to an adjoining district, or re-district the entire ward or any part thereof in which such election district is located. When a district shall be divided, or the boundaries thereof changed, the common council shall assign the several registrars and inspectors who were elected at the last preceding election in such district, to the new districts in which they respectively reside, and to appoint a sufficient number of qualified electors of such new districts, who, with the persons so assigned, and a chairman to be designated by the common council, shall constitute the registrars and inspectors of election of such new district. Election districts shall be bounded by ward lines, by streets or alleys, or other well known and established boundary lines. Notice of a general re-registration of electors in all new districts shall be embodied in the notice of registration required by this act, to be published by the city clerk, and such registration shall be made in the same manner as is provided herein for the new registration directed to be made every fourth year, excepting that the sessions of the board other than in such fourth year shall be held on the same days as the other sessions are held in intermediate years, as herein provided.

Registrars, when district is divided.

Ward Lines to bound Election Districts. Notice of Registration.

Registration in Divided Districts, when held.

Registrars to be elected at the November Elections.

"Board of Registration of Electors," how to qualify. To hold office for two years.

Vacancies in Board, how filled.

How elected.

Section 2. There shall be elected by ballot at the biennial November election in the city of Detroit in November, nineteen hundred two, and at the November election in each second year thereafter in each of the several election districts, three qualified electors of the district, who shall constitute a "Board of Registration of Electors." They shall qualify by taking the constitutional oath of office, to be filed with the city clerk, and shall hold office for two years from the first day of January next following their election and until their successors are elected and qualified, and if from death, failure to qualify, removal from the district or other cause, a vacancy in such office shall occur, or the person elected be unable to perform the duties of the office, the common council may appoint a suitable person to perform such duties for the remainder of the term or until the disability be removed. At the election of such persons, no elector shall vote for more than two candidates and from the whole number of votes cast the three persons receiving the highest

number of votes cast for such office shall be declared elected. The person receiving the highest number of votes shall be the chairman of the district boards of registration and inspectors of elections as herein constituted. The votes shall be determined in like manner as cases of an equal number of votes cast for the other city offices. The registrars shall be persons who can read and write in the English language intelligently. The fact that a registrar or inspector is a candidate for re-election shall not disqualify him from acting as such inspector or registrar.

Chairman of
the Board.

How tie vote
to be decided.

When not
disqualified.

Section 13. On the fourth Monday, and on the third Tuesday and Wednesday preceding the general election held in November, and the third Monday and Tuesday preceding the election held in April in said city, the district boards of registration shall be in session in their respective districts at such places as shall be designated in the notice of registration to be published by the city clerk as hereinafter provided from eight o'clock local time, in the forenoon to nine o'clock, local time, in the evening of each of said days, without intermission. At such sessions of such district board, they shall review and complete the list of qualified voters for such district. Such registration shall be made in the "register of electors" for such district and shall be made in the manner provided in this act for a general registration of electors in every fourth year. And all the provisions of law in relation to receiving applicants for registration, and the registrations of such applicants, shall be held applicable to, and govern the registration in such intermediate years. On reviewing the list of electors appearing on such register, if it shall be known to the board that any person whose name appears herein (therein), is dead, or has removed from the city, they shall enter the word "dead" or "removed from the city" opposite such name in the column headed "remarks," and they may further draw a line in red ink through such name. They shall also opposite such entry. In said column of remarks, enter the date of entry and the name of the registrar making it, so as to show when and by whom made, and thereafter such name shall be considered erased, and treated as no longer in the register. But, if it shall happen that such entry is erroneously made, and such persons shall thereafter appear and claim the right to be again registered, he may be registered by the board of registration, in the same manner

When Registration to be held.

Board to review and complete the list of voters.

Provisions of general laws relative to applicants for registration, applicable.

Record of "Deaths" and "Removals."

Erroneous entry of "Death" or "Removal," how corrected.

as though his name had never been erased, or if he shall appear at an election and claim the right to vote thereat, his name may, on his application, be again registered upon the following terms: He shall upon his examination, on his oath or affirmation, which any member of the board of inspectors may administer, declare that he is the identical person whose name was so registered and erased, and that he is a qualified voter and entitled to vote; and upon making such oath or affirmation, the board of inspectors being satisfied that he is a duly qualified elector, his name may be registered in the manner above described by a member of the board of inspectors, and by its order, the proper entries being entered in the proper register, under the appropriate heading and the name and residence of such person entered in the list made by the board of registration for the use of said board of inspectors, as above provided, and in the column of remarks in the "register of electors," there shall be entered opposite such name the words "registered by inspectors," followed by the signature of one of the board of inspectors. And if such applicant shall affirm or swear falsely he shall be liable to the pains and penalties of perjury, and if an entry shall be made falsely and maliciously, and without credible information, indicating in said register that any person is dead, or who has removed from the city, the member of the board making it, and any other member of the board consenting thereto, shall be deemed guilty of a misdemeanor, and be punished as such; and the party aggrieved shall be entitled to recover from him or them in an action on the case, treble damages for the injury, and treble costs of suit, in any court having jurisdiction of the case, and the record of the defendant's conviction of the criminal offense, duly authenticated, shall be prima facie evidence of his liability. In cases of special elections held in any ward or wards, and not in the city generally, removal certificates provided by section eleven, shall be made and issued by the city clerk, and he shall perform the duties in such case provided to be done by the registrars of the district from which the applicant shall have removed.

Penalty for
false
swearing.

When Re-
moval Certifi-
cates to be
issued by
City Clerk.

CHAPTER IV.

Section 1. There shall be elected at the biennial city election in the year nineteen hundred two and every second year thereafter by the qualified electors of the whole city, the following officers

Officers to be
elected at the
Biennial
City Elections.

of the corporation on a general city ticket, viz: A mayor, a city clerk, and five members of the board of estimates, who shall hold their offices for the term of two years, beginning on the second Tuesday of January next succeeding their election; and a treasurer, whose term of office shall be two years beginning on the first day of July next succeeding his election. At said biennial city election in November, nineteen hundred two, and every second year thereafter, there shall be elected two aldermen, two members of the board of estimates, and one constable in each ward of the city, for the term of two years from the second Tuesday of January next succeeding their election. At the biennial election in November, nineteen hundred two, there shall be elected two justices of the peace who shall hold office for the term of four years from and after July fourth, nineteen hundred three, and thereafter there shall be elected at each biennial November election two justices of the peace, who shall hold their offices for the term of four years from and after the fourth day of July succeeding their election. The police justice elected at the biennial spring election held in nineteen hundred one, shall enter upon and hold his office for the term of four years from and after July fourth, nineteen hundred one, and thereafter at each biennial spring election a police justice shall be elected to and hold office for the term of four years from and after the fourth day of July succeeding his election. At the biennial spring election in the year nineteen hundred five, and every third spring election thereafter, there shall be elected a recorder and an additional judge of the recorder's court of the city of Detroit; each to hold office for the term of six years from and after the first day of January succeeding their election.

Term of office.

Aldermen,
when elected.

Term of office.

Justices of
the Peace,
when elected
and term
of office.Police Jus-
tice, term of
office of.Recorder and
additional
Judge of
Recorder's
Court, when
elected and
term of office.

Section 25. If a vacancy occurs in any elective office other than that of mayor, recorder or alderman, the common council shall appoint some person eligible under this act, unless otherwise provided, to serve in such office until the next biennial election, when the vacancy shall be filled for the remainder of the official term. No office shall be deemed vacant under this or the two preceding sections of this chapter excepting in case of the death, resignation, expulsion, permanent disability or removal from the city, ward or district of the person appointed or elected to such office.

Vacancies,
how filled.What to be
deemed a
vacancy.

**Purpose
of Act.**

Section 2. The object and purpose of this act is to amend the charter of the city of Detroit so as to provide for biennial city elections instead of annual city elections; and the common council of the city of Detroit is hereby authorized to provide by ordinance for carrying into complete operation and effect the foregoing amendments of said charter, and to pass all the by-laws necessary or advisable for that purpose.

Section 3. All acts or parts of acts inconsistent with this act are hereby repealed.

House enrolled No. 293, approved May 21, 1901.

AN ACT

To amend Section fifty of Chapter two of act number four hundred sixty-eight of the Local Acts of eighteen hundred ninety-five, entitled "An Act to amend and revise chapters one and two of an Act entitled 'An Act to provide a charter for the City of Detroit, and to repeal all Acts and parts of Acts in conflict therewith,' approved June seventh, eighteen hundred eighty-three."

The People of the State of Michigan enact:

Section 1. That section fifty of chapter two of act number four hundred sixty-eight of the Local Acts of eighteen hundred ninety-five, entitled "An act to amend and revise chapters one and two of an act entitled 'An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith,' approved June seventh, eighteen hundred eighty-three," be and the same is hereby amended so as to read as follows:

Section 50. The city clerk, city treasurer and the senior police justice of said city shall constitute the board of city canvassers referred to in this act, and shall upon the Thursday next after the election, at ten o'clock in the forenoon, meet in a convenient public place, to be by them designated, and proceed to open and canvass the returns for city officers and declare the result of the election as soon as possible thereafter. For the purpose of tabulating the returns and doing such other incidental detail work as shall be necessary, each of the said board of canvassers may designate a suitable person to act as one of the clerks of the said board, to be compensated in such manner as the council may determine. The board itself shall elect one of their number to be chairman. When the result shall have been determined, the board shall cause to be made a record in the proper book for that purpose to be provided, of its proceedings

Board of City
Canvassers.

When to meet.

Proceedings
of Board.

Clerks.

Compensation
of Clerk.

Chairman of
Board.

Record of
determination.

Proceedings
in case of
error in re-
turns made
to Board.

and of the result of the said election as determined by the said board, which shall be signed by the entire board and kept on file with the city clerk for record. If it shall be claimed by any member of the board of city canvassers that the return made to the board from any district is erroneous in respect to the return of votes cast for any office, the superintendent of police, on the request of said board, shall produce before said board the returns certified in the poll book for the district, and the county clerk shall likewise produce the returns in his office from such district, and if on comparison of all of such returns it appears that any two of them agree as to the number of votes returned for such office, the returns so agreeing shall be accepted as correct returns of the number of votes cast for such office. If the error be claimed to have been made in the return for any State, county or congressional office, the superintendent of police and city clerk shall produce said poll book and returns filed in the city clerk's office, and like examination and comparison shall be made thereof with the returns made to the county board of canvassers, and with like effect as is above provided in case of alleged error in the return of votes cast for a city, ward or district office.

Senate enrolled No. 46, approved April 4, 1901.

AN ACT

To amend section two of chapter five of Act number three hundred twenty-six of the Session Laws of eighteen hundred eighty-three, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts inconsistent therewith," approved June seventh, eighteen hundred eighty-three.

The People of the State of Michigan enact:

Section 1. That section two of chapter five of act number three hundred twenty-six of the session laws of eighteen hundred eighty-three, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts inconsistent therewith," approved June seventh, eighteen hundred eighty-three, be and the same is hereby amended so as to read as follows:

Section 2. The mayor shall be paid a salary of five thousand dollars per annum. In case of a vacancy in the office of mayor, or his being unable to perform the duties of the office by reason of sickness, absence from the city, or other cause, the president of the common council shall be acting mayor; and in case, at the same time, there shall be a vacancy in the office of president of the common council, or he shall be unable to perform the duties of his office by reason or sickness, absence from the city, or other cause, the president pro tempore of the common council shall be acting mayor. Such acting mayor shall be vested with all the powers, and shall perform all the duties of mayor until the vacancy or vacancies aforesaid be filled, or the mayor or president of the common council, as the case may be, shall resume his office.

Salary of Mayor.

Who to act in case of vacancy, absence, etc., of Mayor.

This act is ordered to take immediate effect.

House enrolled No. 119, approved April 3, 1901, amending Section 71 of Charter and Laws, 1893, p. 43.

AN ACT

To amend Section seven of Chapter five of an Act entitled "An Act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred eighty-three.

The People of the State of Michigan enact:

Section 1. That section seven of chapter five of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," be and the same is hereby amended to read as follows:

Duties of
Controller.

Section 7. It shall be the duty of the controller to countersign all bonds which the corporation or common council is authorized to issue, pledging the faith and credit of said city; to receive all accounts and demands against the corporation, examine them in detail, audit and allow them, or such parts thereof as to the correctness of which he has no doubt and the claimant

File vouchers.

is willing to accept in full discharge thereof, file and number them as vouchers in the order of their allowance, register them, with the amount allowed and date of allowance, in the same order, in a proper book provided for such purpose, and, on their

Draw and sign
warrants.

being properly discharged, in writing, to draw and sign his warrant therefor, upon the treasurer, when the same is ordered to be paid by the common council. If he shall have any doubt concerning their correctness, he shall register them in a separate list, and return them to the common council with his objections. If the same be allowed by the common council, in pursuance of their authority under this act, on their return to the controller, with a certificate of the clerk endorsed thereon that they have been allowed by the common council, he shall then file and register them in the list of allowed claims, in the same manner as above provided for the registering of claims, audited and allowed by him and, on their being properly discharged, in

writing, shall draw and sign his warrant therefor on the treasurer. It shall also be the duty of the controller to lay before the common council, once in each year, in the month of July, or oftener, if directed by the common council, a complete classified statement in tabular form of all moneys received and expended by the corporation during the preceding fiscal year, and of all leases of the property of the corporation, specifying the names of the lessees, the rates of rent, and the period when the leases will terminate. It shall also be the duty of the controller to examine the tax rolls and returns of the city officers, and take general supervision of the financial concerns of the corporation; to keep a complete set of books, exhibiting the financial condition of the corporation in its various departments and funds, its resources and liabilities, with a proper classification thereof, and each fund or appropriation for any distinct object of expenditure, or class of expenditures. When any such fund or appropriation has been exhausted by warrants already drawn thereon or by appropriations, liabilities, debts and expenses actually made, incurred or contracted for, and to be paid out of such fund or appropriation, the controller shall advise the common council thereof at its next meeting.

To present
annually in
July, state-
ment of
accounts, etc.

To examine
Tax Rolls
and returns
of officers.

To advise
Council when
any fund is
exhausted.

This act is ordered to take immediate effect.

House enrolled No. 187, approved April 22, 1901, amending Section 77 of "Charter and Laws," 1893, p. 46.

AN ACT

To amend Section one hundred and thirty-nine of an Act to provide a Charter for the City of Detroit, such Section being Section fifty-one of Chapter seven of said Act, and to repeal all Acts and parts of Acts in conflict herewith.

The People of the State of Michigan enact:

Section 1. That section one hundred thirty-nine of an Act to provide a charter for the City of Detroit, being section fifty-one of chapter seven of said Act, be and the same is hereby amended so as to read as follows:

Council may
license and
regulate auc-
tioneers, etc.

(139) Section 51. The said Council may also license and regulate auctioneers, hawkers, peddlers, newsboys, shoeblacks, bootblacks, pawnbrokers, the keepers of junkshops, laundries or laundrymen, laundry companies, the keepers of laundry branches or laundry branch offices, second-hand stores and places for the buying and selling of second-hand goods; and to regulate auctions, hawking, peddling, pawnbrokerage, and the buying or selling of old junk or second-hand goods or materials; also the peddling or hawking of fruits, nuts, cakes or refreshments, jewelry, merchandise, goods and other property whatsoever by hand, handcart, showcase, show stand, or otherwise, in the public streets or places; also butchers and the keepers of shops, stalls, booths or stands at markets or at any other place in said city, for the sale of any kind of meat, fish, poultry, vegetables, food or provisions. It shall also have power to license and regulate dance halls and other halls or buildings used for the public assemblages; and to license and regulate or suppress hucksters, and prohibit and prevent or license and regulate the public exhibition of itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind.

This act is ordered to take immediate effect.

House enrolled No. 376. Approved June 6, 1901, amending Section 139 of "Charter and Laws" of 1893.

AN ACT

To amend Sections fifty-seven and sixty-one of Chapter seven; Sections six, seven, eight, nine, ten, twelve and thirteen of Chapter ten; Sections one, forty-two and forty-three of Chapter eleven; and Section eleven of Chapter fifteen, of the Session Laws of eighteen hundred eighty-three, entitled "An Act to provide a charter for the city of Detroit, and to repeal all Acts and parts of Acts in conflict therewith," approved June seven, eighteen hundred eighty-three, and to repeal Sections fifty-eight and sixty-three of Chapter seven, and Section eighteen of chapter twenty thereof.

The People of the State of Michigan enact:

Section 1. That sections fifty-seven and sixty-one of chapter seven; sections six, seven, eight, nine, ten, twelve and thirteen of chapter ten; sections one, forty-two and forty-three of chapter eleven; section eleven of chapter fifteen of the Session Laws of eighteen hundred eighty-three, entitled, "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," be and the same are hereby amended so as to read as follows:

CHAPTER VII.

Section 57. The common council shall have power to require the owners or occupants of any lands in said city to build, when necessary, all sidewalks in said city in front of the property of such owners or occupants, and the common council may by ordinance, or resolution, prescribe the dimensions of all sidewalks to be built in said city, and prescribe the material therefor, and to be used therein, and such ordinance or resolution may fix the time within which the owner or occupant of any land, in front of which any sidewalk is ordered to be built, shall build the same, and the common council may prescribe such penalty for violation of such ordinance as it may deem proper, not exceeding the

Owners or occupants of land may be required to build or repair sidewalks.

Walks to be built under direction of "Department of Public Works."

When "Department" shall construct walks.

Cost of may be recovered from owner or occupant with costs of suit.

Costs and expenses may be assessed against the property.

Assessment Roll, how made.

How premises may be sold.

Expenses of Repairing sidewalks, how to be raised by tax.

How irregular proceedings are to be corrected.

amount limited by this act. The building of all sidewalks in said city shall be done under the direction of the department of public works of said city, and if any person shall refuse or neglect to build any sidewalk in front of his or her premises of such material and within the time fixed by the ordinance or resolution aforesaid, the department of public works of said city shall construct the same, and the cost and expense thereof shall be paid out of the contingent fund, and such cost and expense of building such sidewalk may be recovered from the owner or occupant of land in front of or adjacent to which such walk shall be built, with costs of suit in an action to be brought by said city in any court of competent jurisdiction, or such costs and expenses shall be certified to the board of assessors by said department of public works, and may be assessed upon the lands of such owner or occupant adjacent to such walk in the manner as provided for assessments for other public improvements: Provided, Said assessment roll shall be made in two parts, to be designated parts one and two, and shall be due and payable within such time as the common council may by ordinance or resolution prescribe, and like interest shall be added thereto, and like penalties in cases of non-payment shall be imposed and added thereto in the same manner as is herein provided for assessments for street paving, and such interest and penalties shall be payable and collected with the part or parts to which the same may be added, and the premises assessed therefor may be sold in the same manner as is provided herein for the sale of property for other public improvements, and when collected shall be placed to the credit of the contingent fund. All expenses of repairing sidewalks within said city shall be raised by taxation upon the real and personal property in said city, liable to taxation, and credited to and paid out of the general road fund.

Section 61. Whenever in any proceedings heretofore or hereafter made for the purpose of paving any street or alley or public places, or for the construction or repairing of any sidewalk or sewer, or for the improvement of any street, or for any public purpose, or for the taking of any private property for public use, or for the opening and extending of any highway, or for other public purpose or for damages to any property occasioned by any public improvements of any kind, and any steps or proceedings required to be taken by any law, or by the charter

of the city of Detroit, shall have been omitted or imperfectly taken, and any such improvement shall have been made or constructed in whole or in part thereunder, and private property shall have been benefited thereby, and whenever any special assessment shall heretofore have been or hereafter be made therefor, and the same shall, in the opinion of the common council, be invalid, whether such invalidity arises from defects or omissions in the proceedings had and taken for such improvement, or in the assessment made therefor, and the same shall, in the opinion of the common council, be invalid, said common council may vacate and set the same aside, and when any errors or omissions may appear in any such proceedings in the making of said improvements, or in any assessment roll or in any certificate thereto, the common council may order the same to be corrected, and when any such special assessment shall be so vacated or held invalid by the judgment or decree of any court of competent jurisdiction on account of any error or omission in said proceedings or in said assessment, the common council may cause a new special assessment to be made, for the purpose for which the original assessment was made, and no special assessment or re-assessment heretofore or hereafter made shall be vacated, set aside, or held invalid by any court on account of any defect or omission in the proceedings had or taken in the making of said improvements or in such assessment roll, unless the person or persons complaining thereof be required to pay such sum or sums as said court may find the property assessed in said assessment roll shall have been benefited by the making of such improvement. Such new assessment shall be made in the manner for making original assessments of like nature, and whenever the assessment, or any part thereof, assessed upon any lot or parcel of real estate by the original assessment set aside or held invalid as aforesaid has been paid, and shall not have been refunded, it shall be the duty of the receiver of taxes to apply said payment upon the re-assessment of said lot or parcel, or any part thereof, re-assessed, and to make a minute thereof upon the new assessment roll, and such re-assessment shall, to the extent of such payment, be deemed paid and satisfied. All the provisions of the charter making said assessment a lien upon the lots and parcels of real estate therein, and making the same a debt due from the owner thereof to the city, and also those relating to the collection of special

New special
assessment
to be made.

How new
assessment
to be made.

How payments
to be applied.

Provisions of
Charter
making
assessment a
lien, to apply
to re-assess-
ments.

Proviso as to construction.

Common Council has power to accept surrender of rights of Street Railway Company to operate its road on any street.

Proviso as to streets crossing such vacated streets.

assessments, shall apply to re-assessments made under this section: Provided, That nothing in this section shall be construed as in any manner affecting proceedings heretofore vacated or set aside by the decree of any court. The Common Council shall have power to agree with any street railway company for the surrender of any rights of said company to operate its road on any street or avenue, on condition that the Common Council shall not, without its consent, or during the existence of such rights, grant to any other company the right to maintain or operate its street railway on such street or avenue: Provided. That said agreement shall not prevent the Common Council from granting rights to operate roads on any streets crossing such street or avenue.

CHAPTER X.

Board of Assessors to notify taxpayers when roll will be completed.

Persons aggrieved may complain before Board of Assessors.

Board to review assessment complained of.

Majority of Board to decide.

When Assessment Roll to be returned to Common Council.

Proviso.

Communication from Board to be deemed a delivery of the rolls.

Section 6. It shall be the duty of the Board of Assessors to cause a notice to taxpayers of said city to be published in the daily newspaper published by the printer for said city, and in one other daily newspaper published in said city for two weeks prior to the first day in April in each year; that the assessment rolls will be completed on the first of April. Any person considering himself aggrieved by reason of any assessment, may complain thereof, either verbally or in writing, before said Board of Assessors, and on sufficient cause being shown by the affidavit of such person, by oral proof, or by other evidence, to the satisfaction of such board, it shall review the assessment complained of, and may alter or correct the same as to the person charged thereby, the property described therein, and the estimated value thereof. The concurrence of a majority of the board shall be sufficient to decide any question of altering or correcting any assessment complained of. The Board of Assessors, or a majority of them, having completed the review and correction of said assessment rolls, shall sign, and on the third Tuesday of April in each year, return the same to the Common Council of the city: Provided, That the completion and signing of the auxiliary book of the Board of Assessors' office, shall be deemed a completion of the rolls: And provided further, That the receipt by the Common Council of the communication from the Board of Assessors announcing the completion of the rolls shall be deemed a delivery of said rolls to the Common Council.

Section 7. The Common Council, after receiving said assessment rolls, shall, at ten o'clock a. m. of the first succeeding day, proceed to consider the same, and any person considering himself aggrieved by the assessment of his property, and the decision of said Board of Assessors thereon, may appeal to the Common Council; their appeal shall be in writing and shall state, specifically, the grounds of the appeal and the matter complained of; together with the address of such appellant, and no other matter shall be considered by said Common Council. Said Common Council may refer said assessment roll and appeals to a committee of said Council for consideration, and said committee shall give notice to any person who has filed an appeal as above provided of the time and place of the meeting therefor, which notice may be made in writing, by delivering the same to such persons or leaving the same at his place of residence or place of business with some person of proper age and discretion, or by mail, to the address of such appellant. While acting upon said assessment rolls or appeals any member of the said Board of Assessors may, and on request of said Council, or committee, by resolution, shall meet with said Council or committee, or make such explanations as he may deem requisite in any case.

Common Council to consider the rolls and hear aggrieved parties.

Appeal from decision of Board to be in writing.

Section 8. The said Council or said committee shall hear and determine all appeals in a summary manner and correct any errors which they may discover in the assessment rolls, and place thereon the names of any persons and the descriptions of any property not already assessed; and assess the same and may increase or diminish any assessment as they may see fit: Provided, They shall not increase any assessment of property without giving a reasonable opportunity to persons owning or having charge of the same, if known, to appear and object thereto, and may continue the consideration of said assessment rolls and hearing of said appeals from session to session for a period not exceeding sixteen days after the time when they are to be first considered as above provided. Said committee shall report to the Common Council their doings in the premises and the same shall be then considered by the Council, who may adopt, change or amend the same, in whole or in part, and after due consideration thereof said rolls shall be fully and finally confirmed by said Council, and shall remain as the basis of all taxes to be levied and collected in the City of Detroit according to property valua-

Council or committee to hear and determine all appeals.

Assessments not to be increased without notice to parties.

tion, until another assessment shall have been made and confirmed as above provided.

Board of Assessors to prepare Tax Rolls for each ward.

Tax Rolls to be delivered to Controller, who shall deliver them to the Receiver of Taxes.

When taxes become a debt against the owner.

Receiver of Taxes to give notice that the Tax Rolls have been deposited with him.

Taxes to be paid before December 13.

No addition made to taxes paid before August 1.

One per cent a month added after August 1. Proviso.

Receiver to give receipt.

Section 9. After the assessment rolls shall have been fully and finally confirmed, as provided in the preceding section, it shall be the duty of the Board of Assessors to cause the amount of all taxes, in dollars and cents, authorized to be assessed and collected in each year, to be ratably assessed to each person named or lots described, upon and according to the aggregate valuation such person or lots shall have been assessed in said assessment rolls, or books prepared for that purpose to be known as the tax rolls for each ward, a column showing the amount of city taxes assessed to each person or lots in each year; when said tax rolls shall have been completed, the board shall deliver the same to the Controller, who shall cause the same to be delivered to the Receiver of Taxes, and take his receipt therefor and charge him therewith. All city taxes shall become a debt against the owner from the time of the listing of property for assessment by the Board of Assessors, and shall become due and payable forthwith upon the receipt of the tax roll by the Receiver of Taxes, and the Receiver of Taxes shall forthwith, upon the reception of said rolls, give six days' notice by publication in the official daily paper published in said city, and by posting the same in at least six public places in each ward, which notice shall be a sufficient demand for the payment of all taxes on said rolls, that the general tax rolls have been deposited with him, and that payment of the taxes therein specified may be made to him at any time before the thirtieth day of December thereafter; that no addition will be made to taxes paid before the first day of August, but that an addition of one per cent of every unpaid tax will be made thereto on that day, and a like addition of one per cent on every thirtieth day thereafter until such addition shall amount to six per cent of such tax: Provided, however, That when a person shall, on or about the twenty-fifth day of July, hand to the Receiver of Taxes a list of the property on which he wishes to pay the taxes, and shall be unable to pay said taxes before the first day of August on account of a pressure of business in the Receiver's office, then he shall not be charged any percentage if he pay said taxes by the tenth day of August. Upon the receipt of any tax the Receiver shall mark the same paid upon the proper roll and give a receipt therefor. Any per-

son owning an undivided share, or other part or parcel of real property assessed in one description, may pay on the part thus owned by paying an amount having the same relation to the whole tax as the part on which payment is made has to the whole parcel. The person making such payment shall accurately describe the part on which he makes payment, and the receipt given and the record of the receiving officer shall show such description and by whom paid. Any person having a lien on property may pay the taxes thereon, and the same may be added to his lien and recovered with the rate of interest borne by the lien. On the first day of January following the time when any tax shall become due and payable, the Receiver shall add to every such tax six per cent of (the amount thereof as stated in the roll, and) the amount of the tax and of such addition, as are hereinbefore specified shall thenceforth be the unpaid tax, and shall bear interest from that day at the rate of ten per cent per annum till paid, except as is herein otherwise provided. On or before the fifteenth day of January the Receiver shall add to the tax rolls of the unpaid taxes of each ward an additional column, which shall show the augmented amount of every such tax. Immediately after completing such roll he shall cause a notice to be published in five successive numbers of at least two daily newspapers published in said city stating that said roll of unpaid taxes has been made and that it will remain in his office, where such taxes may be paid until the first day of February following, after which the property against which such taxes are assessed shall be advertised and sold as hereinafter provided. It shall be the duty of the Board of Assessors to make copies of said rolls as finally confirmed by the Common Council upon which they shall ratably assess the County and State taxes, as provided by the general laws of the State.

Person having lien on property may pay taxes.

Six per cent to be added to tax on January 1.

Notice that roll of unpaid taxes has been made, to be published.

When property to be advertised for sale.

Assessors to make copy of Rolls, and assess the County and State taxes.

Section 10. On and after the first day of August in each year, and at any time until the taxes mentioned in this section are paid, it shall be the duty of the Receiver of Taxes, and the clerks or subordinates in his office, designated by him for that purpose, to collect all unpaid taxes which are assessed against any property or value other than real estate, and if necessary the said Receiver and said clerks or subordinates, under the direction and in the name of the Receiver, shall have power to levy upon and sell at public auction the personal property of any

When Receiver to collect taxes by levy, etc.

Notice of
sale of per-
sonal property
for taxes.

Receiver may
prosecute for
refusal to
pay taxes.

Taxes on
personal
property to
be a lien
thereon.

Taxes a debt
against the
owner.

Mortgages or
conveyances
not to be
recorded
until taxes
are paid.

Duty of City
Treasurer
to furnish
certificates.

Register of
Deeds to
notify
Assessors of
change of
ownership.

person refusing or neglecting to pay such tax. Six days' notice of any such sale shall be given by the Receiver, by publication in the official newspaper of said city, and any surplus remaining after the payment of the taxes and percentage, and the expense of sale, shall be paid over to the owner of such property or other person entitled to receive the same; and the said Receiver shall have power in the name of the City of Detroit to prosecute any person refusing or neglecting to pay such taxes or any special assessment by a suit in the Circuit Court for the County of Wayne, and he shall have, use and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of any such tax or any special assessment; and the said tax roll shall be prima facie evidence of the indebtedness by such person and the regularity of the proceedings by which such tax or assessment was assessed and levied. All city taxes upon personal property shall be and remain a lien thereon until paid, and no transfer of the personal property assessed shall operate to divest or destroy such lien. All city taxes upon personal property and real estate and special assessment thereon in addition to being a lien upon the property assessed, shall be and remain a debt against the owner of the property or his estate after his death, until the same are paid and such debt shall be unaffected by any statute of limitations. And in all suits against the estate of such owner all persons having knowledge of the non-payment of said taxes shall be permitted to testify before any court or commission having jurisdiction of the matter. No mortgage or conveyance of real estate or contract for the sale of any real estate shall be received or recorded by the Register of Deeds for the County of Wayne, unless all city taxes or special assessments on the property described in such mortgage, contract, or conveyance shall have been paid, nor unless the address of the grantee, mortgagee, or vendee shall be endorsed thereon. It shall be the duty of the City Treasurer, upon request, to furnish a certificate that such taxes have been paid, and said certificates shall be filed with said Register at the time of the delivery to him of such conveyance, mortgage or contract, for record. Immediately upon the recording of any such conveyance, mortgage or contract, the Register of Deeds shall deliver such instrument to the chief clerk of the Board of Assessors, who shall thereupon note upon the books of said board the change of ownership, with the address of the grantee, mortgagee, or vendee therein.

Section 12. If the owner or occupant of, or parties in interest in such real estate, do not pay such assessment or tax, with costs, additions and charges within the period above prescribed for the publication of said notice, then the said Receiver shall have the power, without any further notice, to cause such real estate to be sold at public auction, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing such assessment or tax, with the costs, additions and charges, and to direct the execution of a proper certificate of such sale to the purchaser thereof: Provided, If any lot or parcel of land so offered for sale shall have been previously sold for taxes assessed thereon in previous years and the same shall have been bid in at such previous sale or sales by the Controller for the city the purchaser shall be required to pay to the City Treasurer the amount of all previous bids, together with interest thereon from the time of such previous sales at the rate of ten per cent per annum, and if such real estate shall not be redeemed within one year after such sale thereof, as hereinafter provided, the Controller shall, in the name of the City of Detroit, execute and deliver to such purchaser or his assignee, a proper deed for the conveyance of such real estate for the term for which the same was sold; which deed shall be prima facie evidence of the regularity of all the proceedings under which the sale was made and said deed executed up to the date of such deed. Any person who under such deed, may enter into such real estate and erect or place any building or other property thereon, shall have the right at the expiration of said term, or in case he shall be ousted before the expiration of such term by any person claiming adversely to said deed, then, within three months after trial, judgment or ouster or ejectment, to remove said buildings or property from said real estate. And in all sales of lands for taxes aforesaid, if the purchaser or his assigns shall die before a deed or other conveyance shall be executed on such sale, the deed may be executed by the Controller to and in the name of the purchaser or assigns, who, if living, would be entitled to a deed or conveyance, which deed or conveyance shall vest the title in the heirs or devisees of such deceased person in the same manner, and liable to like claims of creditors and other persons as if the same had been executed to such deceased person immediately previous to his death, or the executor or administrator may assign the certificate of purchase, and the deed of conveyance may issue

When Receiver may sell real estate for unpaid taxes.

How sale to be made.

When purchaser entitled to deed.

Buildings erected on property purchased at tax sale, may be removed.

To whom deed may be made.

to the assignee thereof; and in like cases, which have heretofore occurred, the same rule shall apply, and all deeds and conveyances heretofore issued in the name of any deceased person, who, if living at the time of the execution thereof, would have been entitled thereto, shall have like effect as above provided.

How property may be redeemed from sale.

Section 13. When any lands, tenements and hereditaments shall be sold according to the foregoing provision for the payment of any assessment or tax, as aforesaid, if the owners or occupants or parties in interest shall within one year after such sale deposit with the treasurer of said city, for the use of the purchaser the full amount of the assessment or tax for which such real estate was sold, and such interest as the common council shall prescribe, as hereinafter authorized, together with the amount of the costs and charges, and any sum or sums which said purchaser shall have paid to the city treasurer on account of sales thereof for taxes assessed thereon for any previous years, together with interest thereon at the rate of ten per cent per annum the term for which such real estate was sold shall cease and be determined at the time of making such deposit, subject, however, to the right of the purchaser, his heirs, executors administrators or assigns, to remove any building or building materials, as hereinbefore provided.

CHAPTER XI.

Division of revenues into funds.

Section 1. The revenues and moneys of the corporation shall be divided into the following funds, viz:

First. General fund, which shall be appropriated to defray the expenses of the City of Detroit, for the payment of which, out of some other fund, no provision is herein named;

Second. Contingent fund, to defray the contingent expenses of said city;

Third. Interest fund, to pay the interest on the funded debt of the city;

Fourth. Sinking fund, to pay the funded debt of the city;

Fifth. Fire commission fund, to defray the expenses of purchasing lots, erecting engine houses thereon, purchasing engines and other fire apparatus and all other expenses necessary to maintain the fire department of said city;

Sixth. Poor commission fund, to defray the expenses of providing for and taking care of the poor of said city;

Seventh. General road fund, to defray the expenses of work within the lines of intersections of cross streets, the cost of cross-walks, of re-paving, re-surfacing, cleaning and repairing of streets, highways, alleys and avenues of the city, and cleaning and repairing of alleys, and also the whole cost of paving between the tracks of street railroads, whenever the city has by contract or ordinance obligated itself so to do;

Eighth. Public sewer fund, to defray the expenses of constructing and maintaining public sewers in said city;

Ninth. Street opening fund, to defray the expenses of opening, widening, vacating, altering, straightening, extending or abolishing any highways, streets, alleys or avenues in said city;

Tenth. Street paving fund, to defray the expenses of grading, paving and graveling, macadamizing or planking highways, streets, alleys, sidewalks and cross-walks in front of, or adjacent to private property, and of putting curbstones and culverts therein;

Eleventh. Public building fund, for purchasing any real estate for the erection thereon of any public buildings, and to defray the expenses of erecting, repairing and preserving such public buildings as the Common Council is authorized to erect and maintain, and are not herein otherwise provided for, which fund shall from time to time be divided into special building funds, to defray the expense of erecting, repairing and preserving the particular building or buildings for which such special building fund may be constituted or raised;

Twelfth. Recorder's court fund, to maintain the recorder's court;

Thirteenth. Public lighting fund, to defray the expense of lighting the public streets, parks, alleys and public places, public markets and public buildings of said city;

Fourteenth. Deficiency fund, to cover the deficiency in the various other funds caused by the failure to collect taxes appropriated to such funds in any fiscal year. There should be paid into said deficiency fund all back taxes collected for all years

previous to the fiscal year then current, and at the close of each fiscal year the Controller shall transfer from the deficiency fund to each fund for which an appropriation was made by taxation that year, the amount of money remaining uncollected of said appropriation. If there shall not be sufficient money in said deficiency fund at the close of any fiscal year to cover the amount of the entire tax levy for that year remaining uncollected, the Controller shall transfer from the moneys received from liquor licenses an amount equal to the difference between the total uncollected taxes for that year and the amount of money in the deficiency fund: Provided, That of the moneys received from liquor licenses during each fiscal year not less than fifty thousand dollars shall be held in reserve for the purpose of making the transfer as above provided. If at any time during the year the receipts from taxes for any fund shall be insufficient to pay the expenses for which said fund is constituted within the appropriation therefor, the Common Council may direct the Controller to advance to said fund from the deficiency fund an amount not to exceed the amount of taxes for that year due said fund and remaining uncollected; the amount of taxes thus advanced shall, upon their collection, be credited direct to the deficiency fund;

Fifteenth. Garbage fund, for defraying the expense of the removal and destruction of garbage and vegetable and animal refuse from said city;

Sixteenth. Such other funds as the Common Council may constitute for special purposes, not inconsistent with nor to be taken from any of the foregoing mentioned funds;

Paving bonds
may be
issued.

Section 42. The Common Council, in addition to the powers hereinbefore granted, shall have power and it shall be their duty, to issue bonds upon the faith and credit of the city for the entire cost of paving any street, or the paving or repaving of any alley in said city, or the construction of any lateral sewer, as estimated and assessed whenever the Common Council shall have ordered the paving of said street or the paving or repaving of any alley or the construction of such lateral sewer, and the assessments for the cost thereof shall have been duly made according to law, and the faith and credit of the city

shall be pledged for the payment of the principal and interest of said bonds. Said bonds or the proceeds thereof, should they be purchased by the sinking fund commissioners, shall be delivered to the contractor within thirty days after his completion of the pavement of said street, or the pavement or re-pavement of said alley, or the construction of said lateral sewer according to specifications and its acceptance by the Department of Public Works, and the Common Council.

When bonds to be delivered to contractor.

Section 43. Said bonds shall be denominated "street" or "alley paving bonds," or "lateral sewer bonds," and shall bear the name of the street or alley or the number of the lateral sewer for paving or re-paving or construction of lateral sewer, for which they are issued. One-quarter thereof shall be payable in one year, one-quarter in two years, one-quarter in three years, one-quarter in four years, from the date of their issue. They shall bear interest at a rate not exceeding four per cent per annum, payable annually. They shall be regularly dated and numbered in the order of their issue, and shall be issued under the seal of the corporation, signed by the Mayor and countersigned by the Controller. The Controller shall keep an accurate record of such bonds, the number, date and amount of each, and the person or persons in whose name registered, and all transfers thereof.

How bonds to be denominated.

How bonds to be payable.

How bonds to be dated, numbered and issued.

Controller to keep account of bonds.

CHAPTER XV.

Section 11. The Department of Public Works, under the supervision and direction of the Common Council, shall have the entire charge and control of the cleaning of streets and alleys, repairs of paving and building of wooden cross-walks in the City of Detroit. They shall report to the Controller of the City of Detroit on or before the first of February of each year, an estimate of each of the sums required for working or cleaning of streets, repairs of paved streets and cross-walks, building of wooden cross-walks in each ward of the City of Detroit; also for the repair or construction of public wharves, docks, bridges, platforms, culverts, receiving basins, sewers, public drains, buildings, lamp posts and drinking or ornamental fountains, erected by the city or said board, and of all the public works to

Department of Public Works to have charge of cleaning streets.

When to report to Controller.

How assess-
ment for
cleaning
streets, to
be levied.

be carried on under their supervision during the fiscal year, or for any other of the purposes for which money may be expended under the provisions of this act. The sum required for each ward for cleaning of streets shall be levied and assessed as the present city tax is assessed, in accordance with the charter and ordinances of the City of Detroit.

This act is ordered to take immediate effect.

House enrolled No. 387. Approved June 6, 1901, amending Sections 145, 149, 167, 168, 169, 170, 171, 172, 173, 183, 224, 225, and 319 of "Charter and Laws" of 1893.

AN ACT

To amend Section 2 of Chapter 11 of an Act entitled "An Act to provide a Charter for the City of Detroit and to repeal all Acts and parts of Acts in conflict therewith," approved June 7, 1883, as amended by an Act approved June 17, 1889.

The People of the State of Michigan enact:

Section 1. That section 2 of chapter 11 of an Act entitled "An Act to provide a charter for the city of Detroit and to repeal all acts or parts of acts in conflict therewith," approved June 7, 1883, as amended by an Act approved June 17, 1889, be amended so as to read as follows:

Section 2. The common council shall have power annually to levy, assess and collect taxes not exceeding one per cent on the assessed value of all real and personal estate in said city, made taxable by the laws of this State, in order to defray the expenses, and for the purpose for which the general fund, contingent fund, Detroit fire commission fund, poor fund, general road fund and recorder's court fund are constituted as above. Said common council shall have power annually to levy assessments and collect taxes on the assessed value of all real and personal estate in said city, made taxable by the laws of this State, in order to defray the expenses and for the purpose for which the public lighting fund is constituted as above. Said common council shall have power to advertise for proposals and contract for such public lighting for the term of one, two or three years, as they shall deem advisable: Provided, That the amount to be raised for such public lighting in any one year shall not exceed the estimated cost or the actual cost, if already contracted for, of the public lighting for that year: Provided further, That the common council shall have the power to advertise for proposals, and contract for the removal, disposition and destruction of garbage and all animal and vegetable refuse for the term of one, two or three years, or for such term, not exceeding ten years, as they shall deem advisable; but the amount to be raised for any such purpose in any one year shall not exceed the estimated cost or the actual cost, if annually contracted for, for that year.

Tax for General, Contingent, Fire Commission, Poor, General Road and Recorder's Court Funds.

Tax for Public Lighting Fund.

Proviso, as to amount to be raised.

Proviso relative to advertising for removal of garbage, etc.

This act is ordered to take immediate effect.

Senate enrolled No. 12, approved February 6, 1901, amending Section 184 of Charter and Laws, 1893, p. 107.

AN ACT

To amend Section forty, Chapter eleven of Act number three hundred twenty-six of the Local Acts of eighteen hundred eighty-three, entitled "An Act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith."

The People of the State of Michigan enact:

Section 1. Section forty, chapter eleven of Act number three hundred twenty-six of the Local Acts of eighteen hundred eighty-three, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," is hereby amended to read as follows:

Tax for
Entertainment

Section 40. The common council shall have power to annually levy, assess and collect on the assessed value of all real and personal estate in said city, made taxable by the laws of this State, a sum not exceeding two thousand dollars, for the purpose of defraying the costs and expenses of receptions, entertainments and celebrations to be expended from time to time therefor in such manner as the common council shall by resolution direct: Provided, That for the fiscal year beginning July first, nineteen hundred one, the council shall have power to levy, assess and collect, in the manner and for the purposes hereinbefore indicated, a sum not exceeding twenty-seven thousand dollars.

Fund.
Proviso, al-
lowing assess-
ment of
\$27,000 for
fund for fiscal
year 1901.

This act is ordered to take immediate effect.

Senate enrolled No. 45, approved March 28, 1901, amending Section 222 of Charter and Laws, 1893, p. 125.

AN ACT

To amend Sections one, two, three, four, five, six, seven, eight, nine and ten of an Act, entitled "An Act to establish a Department of Public Works in and for the City of Detroit and to repeal all Acts or parts of Acts in conflict therewith," approved February fifteenth, nineteen hundred and one, and to add a new section thereto.

The People of the State of Michigan enact:

Section 1. That an Act entitled "An Act to establish a Department of Public Works in and for the City of Detroit, and to repeal all Acts or parts of Acts in conflict therewith," approved February fifteenth, nineteen hundred one, be amended by amending Sections one, two, three, four, five, six, seven, eight, nine and ten and by adding a new section thereto, as follows:

Section 1. There shall be a department in the municipal government of the City of Detroit, to be known as the "Department of Public Works" of the City of Detroit, and the responsible head of said department shall be an officer to be known as the "Commissioner of Public Works."

"Department of public works."
"Commissioner of public works."

Section 2. That within five days after this Act shall take effect, it shall be the duty of the Common Council of the City of Detroit, and it is hereby authorized and empowered to appoint a Commissioner of Public Works, having the qualifications of an elector and freeholder of said city, and who shall hold his office from the time of his appointment and qualification under this Act as amended, until the first day of July, nineteen hundred five, and until his successor shall be elected and qualified. At the expiration of said term and each four years thereafter, the Mayor of said city shall appoint a suitable person of like qualifications, as Commissioner of Public Works, for the term of four years and until his successor shall be appointed and qualified.

Council to appoint commissioner.
Qualifications of commissioner.
Term of office.
Mayor to appoint successors.

Vacancy, how filled.

The Mayor shall appoint a suitable person of like qualifications to fill any vacancy in said office for the remainder of any unexpired term. Before entering upon the duties of his office, the Commissioner of Public Works shall file in the office of the City Clerk, his bond in the penal sum of fifty thousand dollars, with two or more responsible sureties, or with a responsible security company as surety, and approved by the City Controller, conditioned for the faithful performance of the duties of his office.

Bond of commissioner.

Secretary to act during commissioner's absence, etc.

During sickness, absence or some temporary inability of the Commissioner to perform the duties of his office, the Secretary of said department shall perform the duties and have the powers of said Commissioner: Provided, That he shall not have authority to change any general rules or regulations, or to make appointments.

Removal from office.

Section 3. The Common Council may, by a vote of two-thirds of all the members elect, remove from office any Commissioner of Public Works for corrupt or wilful malfeasance, or for wilful neglect of the duties of his office, and in any such case the reason of such removal shall be entered upon the records of the Common Council with the names and votes of the members voting on the question. Any person so removed shall not be eligible to reappointment to said office: Provided, however, That no Commissioner of Public Works shall be removed from office by the Common Council unless first furnished with a copy of the charges in writing and allowed to be heard in his defense, with the aid of counsel; and for the purpose of determining the truth of any such charges, the Common Council shall have the power to issue subpoenas, to compel the attendance of witnesses, and the production of papers when necessary, and shall proceed within thirty days after service of a copy of the charges to hear and determine upon the merits of the case. If such officer shall neglect to appear and answer such charges, his failure to do so, without a reasonable excuse therefor, may be deemed good cause for his removal from office.

Possession of offices, books, etc., to be given to commissioner.

Section 4. When a Commissioner of Public Works shall have been appointed and qualified as herein provided, it shall be the duty of the Superintendent of Public Works of the City of Detroit to surrender to him possession of the offices occupied by said Superintendent of Public Works, together with all books,

records, papers, property and money belonging or appertaining to said Department of Public Works, and from thenceforth the custody and possession of the same shall be vested in the Commissioner of Public Works, acting for and on behalf of the City of Detroit. In case the Superintendent of Public Works shall refuse or neglect to surrender such possession on demand, it shall be the duty of the Commissioner of Public Works to apply to any court of competent jurisdiction for a writ of mandamus to compel the Superintendent of Public Works to surrender such possession to him.

Section 5. From and after the appointment and qualification of a Commissioner of Public Works, under this Act, as hereby amended, said Commissioner shall have power and authority to establish a system of grades for all streets and alleys, and when established, the same shall not be changed without a two-thirds vote of the aldermen elect. He shall likewise have authority to lay out and establish a system of sewers for the entire city to be designated on the general plan of streets and alleys. He shall supervise the grading, paving, re-paving, and cleaning of streets and alleys and public grounds, the construction, repairing and alterations of public wharves, docks, bridges, culverts, receiving basins, drains, sewers, walks, cross-walks, and all public buildings, the supervision of which shall not be otherwise provided by law, and all moneys for such purposes shall be expended under his supervision, and when done by contract, shall be done under contract and specifications prepared by him, and approved by the Common Council. He shall advertise for proposals when directed by the Common Council, or required by the charter of said city for work to be done, or for materials to be furnished by contract, and shall let such contract to the lowest responsible bidder: Provided, He may reject all proposals received. He shall have all the powers, duties and functions heretofore vested in, and exercised by the former Board of Public Works, or the present Superintendent of Public Works, except as herein altered or modified; which said powers, duties and functions shall be vested in and be exercised by the Commissioner of Public Works, and he shall take the place of said Board, and of the Superintendent of Public Works in the municipal government of the City of Detroit.

Grades for streets.

Sewers.

Grading, paving and cleaning streets, etc.

Work to be done under contract.

Proposals to be advertised for.

Contracts to be let to lowest responsible bidder. Proviso.

Powers and duties of commissioner.

Secretary.

Section 6. As soon as practicable, after the appointment and qualification of a Commissioner of Public Works, under this Act, it shall be his duty to appoint a Secretary of the Department of Public Works, and a City Engineer, and such other subordinate officers and employes of the department as the Common Council of the city heretofore or may hereafter create and establish by ordinance, resolution or other action of said Council. Said Secretary and City Engineer, with all other officers, clerks, employes of the department, including those now holding office under the Board of Public Works, shall hold office, and their employments be subject to the pleasure of the Commissioner of Public Works, and vacancies may be filled and new appointments may be made by him whenever, in his judgment, the public service may require.

Subordinate officers and employees.

Term of subordinates.

Not eligible to elective office.

Section 7. The Commissioner of Public Works, the Secretary and City Engineer, and all officers, clerks and employes of the department shall be ineligible, while they hold their respective offices or employments, to any office elected by the people, and if nominated for any such office and they do not publicly decline the nomination within ten days succeeding the same, they shall be deemed to have resigned and to have vacated their office, and they shall not receive any salary or compensation from the city. The acceptance of any other appointive office by any incumbent shall vacate said office of Commissioner.

Contracts to be approved by Council.

Debts not to be in excess of funds.

Bills and accounts to be audited by commissioner.

Approved by controller and submitted to Council.

How paid.

Section 8. The Commissioner of Public Works shall have no power to enter into any contract, for or in behalf of the City of Detroit, without the consent or approval of the Common Council. No debt or liability of any kind shall be created by or on account of said department during any one fiscal year, in excess of the moneys then in the proper fund thereof, or which may have been authorized to be raised by the Common Council for the said year. All bills, accounts, and claims of every character against the said department shall after having been duly audited by said Commissioner and certified by him and the Secretary, be transmitted to the City Controller, who shall submit the same to the Common Council with his approval. When said bills, accounts and claims shall have been allowed by the Common Council, the Controller shall draw his warrant or warrants on the City Treasurer in payment therefor: Provided, however, That

no bill, account or claim against said department shall be audited by the Commissioner, unless it shall be accompanied by an affidavit of the person rendering it, that he verily believes the services or property therein charged have been actually performed, or delivered to the city, and that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no offset exists or payment has been made on account thereof, except such as are included or referred to in such bill, account or claim. All pay rolls shall be certified by said Commissioner and Secretary, and shall be approved by the Common Council and be delivered to the City Controller, who shall draw his warrants for the payment thereof and deliver the same to the City Treasurer, together with said pay roll, and said City Treasurer shall pay the amounts mentioned in said pay roll to the persons entitled thereto.

To be accompanied by affidavit of claimant.

Pay rolls, how paid.

Section 9. The Commissioner of Public Works shall receive from the city an annual salary of five thousand dollars, the Secretary of the department shall receive an annual salary of two thousand five hundred dollars, and the City Engineer shall receive an annual salary of three thousand dollars, each payable in semi-monthly installments; and the other officers, clerks and employes of the department shall receive such salary or compensation as the Common Council has prescribed, or may hereafter prescribe; all to be paid on pay rolls as above provided.

Salary of commissioner. Secretary.

Engineer.

Compensation of other employees.

Section 10. The office of the Superintendent of Public Works of the City of Detroit is abolished from and after the appointment and qualification of a Commissioner of Public Works provided by this Act.

Office of "superintendent of public works" abolished.

Section 11. The Commissioner of Public Works shall annually, before the first day of February, file with the City Controller an estimate of the amount of money required to be raised by taxation for the next fiscal year, for the general sewer and road funds, district road fund, public works general fund, and for such other funds and purposes as may be, in his judgment, required for his department, or as may be ordered or established by the Common Council. Said estimate shall, so far as practicable, be made in detail, and so much of the total estimate for each of said funds or purposes, as shall be approved by the Com-

Commissioner to file estimates.

mon Council, shall be raised by general taxation: Provided, That the kind of material with which the streets shall be repaved shall be determined by said Commissioner. The Commissioner of Public Works shall be a member of the Board of Estimates of said city.

Commissioner
a member of
board of
estimates.

This Act is ordered to take immediate effect.

House enrolled No. 258, approved May 4, 1901.

House enrolled No. 51, following, was superseded by the foregoing Act, and by the decision of the Supreme Court of the State of Michigan, in *Moreland vs. Millen et al.*, 8 *Detroit Legal News*, 50, the Act was construed as follows:

"1. That the Legislature has power to substitute a single officer for a board of three members.

2. The Legislature has power to make or authorize a provisional appointment to a local office.

3. Such provisional appointment can only be upheld where an exigency for such appointment exists, and it plainly appearing in the present Act that no exigency existed, it must be held that the Legislature exceeded its power when it provided for any provisional appointment whatever.

4. The unconstitutionality of that portion of the Act providing for a provisional appointment does not render the entire act void.

5. The provisional appointment being void a vacancy exists, which may be filled at once, by the Mayor, under the terms of Section 2, the Act providing that 'Any vacancy occurring in said office, by death, resignation or otherwise, before the third Tuesday of January, 1902, shall be filled by appointment by the Mayor.'

AN ACT

To establish a Department of Public Works in and for the City of Detroit, and to repeal all Acts or parts of Acts in conflict therewith.

The People of the State of Michigan enact:

Section '1. There shall be a department in the municipal government of the City of Detroit to be known as "The Department of Public Works" of the City of Detroit, and the responsible head of said department shall be an officer to be known as "Superintendent of Public Works." The person appointed to said office shall qualify by taking and filing with the City Clerk the oath of office prescribed by the Constitution of this State. and he

also shall file with said Clerk a bond in the penal sum of fifty thousand dollars with surety or sureties to be approved by the City Controller conditioned for the faithful performance of the duties of the office.

Section 2. Within five days after this Act takes effect, a provisional appointment to said office shall be made by the Governor of this State, and the person so appointed shall hold said office until the third Tuesday of January, nineteen hundred and two, when an appointment to said office shall be made by the Mayor of said city. The person so appointed by the Mayor shall hold the office for the then ensuing term of four years and until his successor is appointed and qualified. On the second Tuesday in January, preceding the expiration of said term of four years, and on the second Tuesday in January, preceding the expiration of each succeeding term of four years, an appointment to said office shall be made by the Mayor. Any vacancy occurring in said office, by death, resignation, or otherwise, before the third Tuesday of January, nineteen hundred and two, shall be filled by an appointment by the Mayor. The person so appointed shall hold the office for the balance of the provisional term; and any vacancy occurring after said provisional term, shall also be filled by an appointment by the Mayor. The person so appointed shall hold office for the balance of the regular term of four years.

Section 3. The Common Council may by a vote of two-thirds of all the members elect remove from office any Superintendent of Public Works for corrupt or wilful malfeasance or misfeasance in office, or for wilful neglect of the duties of his office, and in any such case the reason of such removal shall be entered on the records of the Common Council with the names and votes of the members voting on the question, and any person so removed from said office shall not be eligible to reappointment to said office: Provided, however, That no Superintendent of Public Works shall be removed from office by the Common Council unless first furnished with a copy of the charges in writing and allowed to be heard in his defense, with the aid of counsel; and for the purpose of determining the truth of any such charges the Common Council shall have power to issue subpoenas, to compel the attendance of witnesses, and the production of papers when neces-

sary, and shall proceed within thirty days after service of a copy of the charges to hear and determine upon the merits of the case. If such officer shall neglect to appear and answer such charges, his failure to do so, without a reasonable excuse therefor, may be deemed good cause for his removal from office.

Section 4. When a Superintendent of Public Works shall have been appointed and qualified as herein provided, it shall be the duty of the present Board of Public Works of the City of Detroit to surrender to him possession of the offices occupied by said board, together with all the books, records, papers, property and money belonging or appertaining to said Board of Public Works, and from thenceforth the custody and possession of the same shall be vested in the Superintendent of Public Works, acting for and on behalf of the City of Detroit. In case the Board of Public Works shall refuse or neglect to surrender such possession on demand, it shall be the duty of the Superintendent of Public Works to apply to any court of competent jurisdiction for a writ of mandamus to compel said Board of Public Works to surrender such possession to him.

Section 5. From and after the appointment and qualification of a Superintendent of Public Works under this Act, all the powers, duties and functions heretofore vested in and exercised by the Board of Public Works, excepting as herein altered or modified, shall be vested in and be exercised and performed by the Superintendent of Public Works, and he shall take the place of said board in the municipal government of the City of Detroit.

Section 6. As soon as practicable after the appointment and qualification of a Superintendent of Public Works, under this Act it shall be his duty to appoint a Secretary of the Department of Public Works and a City Engineer and such other subordinate officers, clerks and employes of the department as the Common Council of the city has heretofore, or may hereafter create and establish by ordinance, resolution or other action of said Council. Said Secretary and City Engineer, and all other officers, clerks and employes of the department, including those now holding office under the Board of Public Works, shall hold office and their employments subject to the pleasure of the Superintendent of Public Works, and vacancies may be filled and new appointments may be made by him whenever, in his judgment, the public service may require it.

Section 7. The Superintendent of Public Works, the Secretary and City Engineer and all officers, clerks and employes of the department shall be ineligible, while they hold their respective offices or employments, to any office elected by the people, and if nominated for any such office, and they do not publicly decline the nomination within ten days succeeding the same, they shall be deemed to have resigned and to have vacated their office, and they shall not receive any further salary or compensation from the city.

Section 8. The Superintendent of Public Works shall have no power to enter into any contract or to incur any indebtedness or liability or to dispose of any property or pay out or disburse any money for and in behalf of the City of Detroit, without the consent and approval of the Common Council of said city.

Section 9. The Superintendent of Public Works shall receive from the city an annual salary of five thousand dollars. The Secretary of the department shall receive an annual salary of two thousand and five hundred dollars, and the City Engineer shall receive an annual salary of three thousand dollars, each payable in monthly installments, and the other officers, clerks and employes of the department shall receive such salary or compensation as the Common Council has prescribed, or may hereafter prescribe; all to be paid on pay rolls submitted to the Controller of the city and approved by the Common Council before payment is made.

Section 10. The Board of Public Works of the City of Detroit and the offices of the members of said board are abolished from and after the appointment and qualification of the Superintendent of Public Works provided by this Act.

This Act is ordered to take immediate effect.

AN ACT

To amend Section 9 of Act number 479 of the Local Acts of 1871, entitled "An act to establish a police government for the city of Detroit," as amended by Act number 32 of the Local Acts of 1882, and to provide for the payment of salaries and compensation of the officers, appointees and employees therein mentioned semi-monthly.

The People of the State of Michigan enact:

Section 1. That section 9 of act number 479 of the Local Acts of 1871, entitled "An act to establish a police government for the city of Detroit," as amended by act number 32 of the Local Acts of 1882, be and the same is hereby amended to read as follows:

Section 9. The qualification, enumeration and distribution of duties and mode of trial and removal from office of each officer and member of said police force, shall be particularly defined and described by rules and regulations of the board of police, and no person shall be appointed to or hold office in the police force who is not a citizen of the city of Detroit, shall not have resided in the State of Michigan two years next preceding his appointment, who cannot read and write the English language, and who has ever been convicted of any crime: ^{Qualifications, enumeration of duties, removals, etc., to be defined by rules.} Provided, That no person (except the superintendent, detectives, ^{None but citizens of Detroit to hold office.} the attorney, the surgeon, secretary and property clerk) shall be removed from said force, except upon written charges preferred against him to the board of police, and after opportunity of being heard in his defense; but the board of police may suspend any member of the force pending the hearing of charges against him. ^{Proviso as to removals and suspensions.} The board of police may also at any time, in their discretion, and without charges, or trial, reduce any officer from his rank, grade and pay, to a lower rank and pay, and either permanently or temporarily promote any officer to his position without regard to the relative rank or grade of such other officer: ^{The Board may reduce officer from rank.} Provided Whenever any vacancy occurs in the office of captain of police, ^{And promote officer.} the same shall be filled from among the persons then in office as sergeants, roundsmen or patrolmen. ^{Vacancy in office of Captain, how filled.} The police commissioners shall receive no compensation whatever for their services dur-

Salaries and
Compensa-
tions.

Members not
to receive,
etc., any
present, fee,
gift or emolu-
ment, without
consent of
Board.

Members not
to receive or
share in any
fee from per-
son becoming
bail, etc.

Not to receive
any fee, gift
or reward
from attorney.

Penalty.

ing their term of office. All salaries and compensation to the officers, appointees and employees of the department shall be prescribed and determined by the board of police commissioners, and shall be paid semi-monthly to the persons entitled thereto. No member of the board of police, or of the police force, shall receive or share in, under any pretenses whatever, any present, fee, gift or emolument for police service other than the regular salary and pay provided by this section, except by the unanimous consent of said board; and it shall be the duty of every member of said board, or the police force, to return to the property clerk (to be disposed of as hereinafter prescribed) every present, fee, gift or emolument received by him, with the consent of the board, except said board permits him to retain the same for his own use; and all moneys, and proceeds of all property received from this source, shall be disposed of by said board as if the same had been paid or given for extraordinary services, as prescribed in the eleventh section of this act. Nor shall any member of said force receive or share in any fee, gift or reward from any person who may become bail for the appearance of any arrested, accused or convicted person, or who may become surety for any such person on appeal from the judgment or decision of any court or magistrate, or any fee, gift or reward in any case, from any attorney at law who may prosecute or defend any person arrested or prosecuted for any offense within the county of Wayne; nor shall any member, either directly or indirectly, interest himself or interfere, in any manner whatever, in persons arrested or accused; and for any violation of either of the foregoing provisions, the member so offending shall be immediately removed from office.

This act is ordered to take immediate effect.

Senate enrolled No. 44, approved April 4, 1901, amending Section 549 of "Charter and Laws, 1933," p. 284.

AN ACT

To amend Sections four, eight, nine and twenty-three of an Act entitled "An Act to amend the laws relative to supplying the City of Detroit with pure and wholesome water," approved February fourteenth, eighteen hundred fifty-three, as amended by the various Acts amendatory thereof.

The People of the State of Michigan enact:

Section 1. That sections four, eight, nine and twenty-three of an Act entitled "An Act to amend the laws relative to supplying the City of Detroit with pure and wholesome water," approved February fourteenth, eighteen hundred fifty-three, as amended by the various Acts amendatory thereof, be and the same are hereby amended as follows:

Section 4. For the purpose of construction of buildings, the purchase and installation of machinery, and the extension of water mains and other constructions, or for the purpose of the payment of maturing bonds, the said Commissioners shall have power, with the approval of the Common Council and the Board of Estimates, to loan, from time to time, upon the best terms they can make, after giving public notice by advertising in at least two papers of the City of Detroit, for six days, and in one paper in Boston, and two in New York, to be designated by said board, for such time as they shall deem expedient, a sum of money which, added to the then existing bonded debt of said board, shall not exceed one million five hundred thousand dollars, upon the credit of the City of Detroit, and shall have authority to issue bonds, pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall issue under the seal of said Board of Commissioners, and shall be signed by them, or a majority of them, and bearing interest at not exceeding five per cent per annum.

Power to borrow money.

How notice to be given.

Registry of
bonds to
be kept.

When new
bonds may
be issued.

Old bonds
to be taken
up and
cancelled.

Bonds may
be issued
for like
purposes.

Limitation
upon issue
of bonds.

Fire
hydrants to
be erected.

Expense of,
how paid.

And it shall be the duty of said Commissioners to cause to be kept an accurate register of all bonds issued by them, showing the number, date and amount of each bond, and to whom the same was issued; and it shall also be their duty to cause to be furnished to the Controller of said city a copy of such register as soon as the same is made, which shall be preserved by said Controller, and copied into the records of said city: Provided, That the moneys realized from the sale of any bonds issued under the provisions hereof shall be used only for the purpose for which said bonds were issued, and any premium above the par of said bonds which may be realized on the sale thereof, and any accrued interest at the time of making the sale of said bonds, shall be paid into the sinking fund of said board. If the said board shall at any time not have funds on hand sufficient to meet and pay any of the bonds issued by said board at the time when they shall become due, they shall have the right, with the consent of the Common Council and the Board of Estimates, to issue new bonds for such amounts, and on such time as they shall deem expedient, in the place of the bonds so becoming due, as aforesaid, or such part thereof as said board shall be unable then to pay; but in no instance shall such new bonds when issued bear interest at a higher rate than the old bonds for which the same shall be issued. The said old bonds shall be taken up and cancelled, and such cancellation recorded or otherwise indicated in the registry thereof and the new bonds shall be recorded in the registry in which said old bonds were recorded, as provided by the law under which said old bonds were issued. Notwithstanding the payment of any bonds issued hereunder, the board shall have the right, with the consent of the Common Council and Board of Estimates, to issue said bonds for like purposes, the only limitation upon the power hereby conferred being the amount of the total bonded debt as above set forth.

Section 8. The Commissioners shall provide and erect fire hydrants, at such localities in said city as may be deemed necessary and ordered by the fire commission or the Common Council of said city: Provided, That the expense thereof shall be paid from the funds of said Fire Commission when their erection is ordered by the Fire Commission, or from the appropriate

fund of the city when ordered by the Common Council; and, for the purposes of this act, to conduct pipes, aqueducts or other works over or under any water course, or under any street, alley, turnpike, road, railroad highway or other way, within or without the City of Detroit, but in such a manner as not to unnecessarily obstruct or impede travel thereon; and with the consent and under the supervision and direction of the Department of Public Works, may enter upon, dig up and backfill, with like restrictions as to travel, such street, alley, road or way, to lay such pipes, or construct such aqueducts and other works beneath the surface thereof, and to maintain and repair, or renew the same; the Department of Public Works to restore the concreting and pavement of said street, alley or way, to its former condition so far as may be; expense of inspection and restoration of concreting and paving to be paid by said Board of Water Commissioners to the Department of Public Works. The Commissioners may erect drinking hydrants for public use to each block in the city, and keep the same in repair; and, with the consent of the Common Council of the city, they may also erect fountains in such public grounds of the city as they deem expedient.

Drinking
hydrants
may be
erected.

Section 9. Said Commissioners shall from time to time cause to be assessed the water rate to be paid by the owner or occupant of each house or other building having or using water, and against any person or persons using water, upon such basis as they shall deem equitable; and such water rate shall become a continuing lien until paid upon such house or other building and upon the lot or lots upon which such house or other building is situated; and said board shall also have the power to bring suit to recover any water rate so assessed in any court of competent jurisdiction: Provided, however, That in making the aforesaid assessments for water rates the said Board of Water Commissioners shall provide a sum of not less than twenty-five thousand dollars in each year in excess of the expense and cost of maintenance and operation, which shall be placed in the sinking fund and for the purpose of the payment of the interest and the principal of all bonded indebtedness until such indebtedness is fully paid.

Water rates
to be
assessed.

Sinking
fund pro-
vided for.

Section 23. The Commissioners shall have power to extend their distributing pipes, aqueducts and mains, and erect hydrants, without the limits of said city, and to regulate, protect

Distributing
pipes may be
extended
outside of city
limits.

Proviso for
supplying
water outside
city limits.

and control such portions of their works and the water supply therefrom in the same manner that they may regulate, protect and control their works and the water supply within the city: Provided, That before any water shall be supplied to any person or persons residing outside the limits of the city, the entire cost of laying such distributing pipes, including the cost of superintendence and engineering, shall be paid to the said board, and all such distributing pipes through which any water shall be supplied by said Water Board shall be the property of said board, and form a part of its system of distributing pipes: And further provided, That the rates at which water shall be sold to persons residing outside the city limits shall be discretionary with said Board of Water Commissioners, but shall be not more than double the amount charged to citizens of Detroit. They shall also have such other and further powers and rights not herein granted as are given to water boards by the general laws of this State, and as are not inconsistent with the powers and rights herein granted.

This act is ordered to take immediate effect.

House enrolled No. 383, approved June 6, 1901, amending Sections 508, 512, 513, and 527 of "Charter and Laws" of 1893.

AN ACT

To amend Section one of Chapter eight and Sections five and seven of Chapter eleven of an Act entitled "An Act to provide a Charter for the City of Detroit, and to repeal all Acts and parts of Acts in conflict therewith," approved June seventh, eighteen hundred eighty-three.

The People of the State of Michigan enact:

Section 1. That Sections five and seven of chapter eleven of an Act entitled "An Act to provide a Charter for the City of Detroit, and to repeal all acts and parts of acts in conflict therewith," be and the same is hereby amended so as to read as follows:

Section 5. The Common Council may annually levy, assess and collect on the assessed value of all real and personal estate of said city, made taxable by the laws of this State, taxes for the purposes of the interest fund, not exceeding in amount a sufficient sum to pay the interest accrued, or to accrue, on the funded debt of said city for the year for which such taxes are levied: Provided, That the Common Council may further provide in such annual tax levy for a sum sufficient to cover any deficiency which may have occurred, or likely to occur, to this fund by reason of the non-payment of taxes, or from any other causes whatever. The Common Council shall have power to levy taxes for the purposes of the sinking fund as follows: When any bonds authorized to be issued shall have been sold and delivered, and the proceeds thereof paid into the City Treasury, there shall be raised by general taxation for the redemption of said bonds, during the term of said bonds, seventy-five per cent of the face value thereof, which amount shall be levied in equal annual installments: Provided, however, That this requirement shall not apply to any bonds issued prior to July first, one thousand nine

Interest fund.

Provision for
deficiencies.

Sinking fund.

Not to exceed
\$15,000 in any
one year.

hundred and one: Provided further, That the amount to be raised for the redemption of the said bonds shall not exceed the sum of fifteen thousand dollars in any one year.

Sewer and
building funds.

Section 7. The Common Council shall also have power, by and with the consent of the Board of Estimates, to provide for the public sewer fund for the construction of trunk or public sewers, and the public building fund, by borrowing upon the faith and credit of said city, and upon the best terms that can be made, such sums of money as shall be deemed necessary and expedient, and to issue the bonds of the city therefor in lieu of raising the same by taxation: Provided, however, That the gross

Bonds to be
issued
therefor.

Gross debt of
city not to
exceed 2 per
cent of
assessed value.

debt of the city after deducting the means in the sinking fund of said city and not including the water debt shall never exceed two per cent of the assessed value of all the real and personal

How bonds
to be
denominated.

When to
mature.

Rate of
interest on
bonds:
Exempt from
city tax;
how signed
and sealed.

property in said city; and all bonds or other indebtedness issued or created in excess thereof shall be void. Bonds issued by authority of this section shall be respectively denominated "public sewer bonds" and "public building bonds," and shall mature in thirty years from date of issue, and bear interest at a rate not exceeding four per cent per annum. All bonds issued by the City of Detroit shall be exempt from city taxation, shall be issued under the seal of the corporation, signed by the Mayor and countersigned by the Controller, and except special assessment bonds which are by law otherwise provided for, shall be for sums of not less than five hundred dollars each, and shall not be negotiated at less than their par value, and may be in registered or coupon form. The Controller shall keep an accurate

Controller to
keep record of
bonds.

To advertise
for purchasers.

record of all bonds and of the class of indebtedness to which they belong, the number, date and amount of each bond, its rate of interest, when and where the same is payable, and the person, persons, firm or corporation to whom it is issued. When the proceeds of the sale of any bonds shall have been paid into the City Treasury, the principal thereof shall be credited to the funds for which the bonds were issued, and be applied exclusively to the purposes for which said bonds are constituted, and the premiums and accrued interest received, if any, shall be credited to the sinking fund. When any issue of bonds is duly authorized by law, and the Controller shall have first advertised, in such manner as the Common Council shall direct, for sealed proposals for the purchase of the bonds about to be issued, and shall have

received proposals for the purchase of such bonds, he shall report the bids to the Common Council. The Common Council having authorized the sale of such bonds, according to the proposals for the same, the controller shall prepare such an amount of the issue only as may be ordered sold; it shall be his duty in the preparation of said bonds to cause to be written or printed upon the bond, on the outside fold of the same, so that the same may always be in plain sight, the following words, to be signed by the Treasurer of the city, and the bonds not to be valid without his signature: "This bond has been made and issued in compliance with law; has been duly registered in the books of this office, and the proceeds of the same, together with all the premiums on sale and interest accruing before delivery, have been paid into this office."

Bids for purchase of bonds to be reported to Council.

How bonds to be endorsed.

Form of endorsement.

"Detroit,....., 19....

".....

"City Treasurer."

After having caused said bonds to be duly executed and recorded in the books of his office, with all the particulars as required by the charter, he shall transmit the same, with the name of the purchaser, number, date, time and denomination of bonds, to the City Treasurer taking his receipt for the same, and shall also report the entire transaction to the Common Council at its next succeeding session. It shall be the duty of the City Treasurer, on receipt of said bonds, to immediately notify the parties to whom the bonds have been awarded, that the same are ready for delivery, and deliver to said parties the bonds according to their accepted bids for the same, charging them with the premium, if any is included in the proposals, and the interest accrued on the bonds at the date of delivery, and further comply with this chapter by recording said bonds and signing the blank as aforesaid, and report to the Common Council, at its next following session, the full particulars of the delivery of the bonds, which report, together with the report of the Controller, heretofore mentioned, shall be referred to the Committee on Ways and Means, who shall compare the report of the Treasurer with that of the Controller, and report to the Council upon the correctness of the same, when they shall have found them to be correct.

How bonds to be delivered.

How coupons
are to be
paid.

It shall be the duty of the City Treasurer, whenever coupons are presented at his office for payment, to first examine his coupon book to ascertain if the bond from which such coupon is cut has been regularly issued, and the proceeds thereof have been regularly paid into the Treasury, and if the payment of such interest is due. And if such be found to be the fact, he shall transmit said coupons, with the certificate of their correctness, to the City Controller. It shall be the duty of the Controller upon the receipt of said coupons and certificate of the Treasurer, to examine the same, comparing them with records of bonds in his office, and previous payment of coupons, and, if found correct, issue his warrant on the Treasurer in payment of the same, whereupon he shall cause said coupons to be firmly pasted in a book prepared for such purpose, which book shall be so prepared and ruled, with spaces for each coupon, under a complete record of the bond from which said coupon is cut, together with the date of payment and the name of the party to whom payment is made, so that the said book will at all times properly and plainly display the complete record of the bond, and all payments of interest by the original coupon, date of each payment, and the name of the party to whom paid, and to which book or books the Controller shall make reference before the payment of any such coupon. On demand of the owner and holder of any coupon bonds heretofore or hereafter issued, there shall be issued in lieu thereof registered bonds of said city; the owner and holder asking for exchange of bonds may be required to pay a reasonable compensation to cover expenses of such exchange; the bonds so issued shall be of the same denomination or multiples thereof, bear the same rate of interest, and be payable at the same time, both as to interest and principal, as the coupon bonds for which they were exchanged; such coupon bonds when so exchanged shall be cancelled by the Controller and Treasurer, and their certificate of such cancellation be endorsed on the new bonds and the old bonds filed in the manner provided for bonds redeemed. A book shall be kept in each of the offices of the Controller and Treasurer in which shall be entered the date, number, series, denomination, and owner of all registered bonds, and the number and series of the coupon bonds for which exchanged, if any; the interest and principal of registered bonds shall, when due, be paid only to the order of the person, corporation or firm who appears by such books to be the owner thereof; such regis-

Registered
bonds to be
exchanged for
coupon bonds.

Record of
registered
bonds.

tered bonds may be transferred on such books, for which purpose there shall be printed forms on the back of said bonds, together with directions to be followed in the execution of such transfers, by the owner in person, or by a person authorized to do so by power of attorney duly executed or by the presentation of duly authenticated letters of administration; in such case the power of attorney or letters of administration shall be filed and carefully preserved in the office of the Controller. The exchange and registering of bonds required by this Act shall be transacted by the Mayor and Controller, and the Controller shall keep a registry for that purpose; but no bonds so issued in exchange for other bonds shall be of smaller denomination than one thousand dollars, unless and to the extent that the bonds offered for exchange are themselves of smaller denomination than one thousand dollars. No bonds in lieu of a bond returned for cancellation shall be issued until the same shall have been registered as herein provided.

How registered
bonds may be
transferred.

Section 2. That Section one of Chapter eight of an Act entitled "An Act to provide a Charter for the City of Detroit and to repeal all acts and parts of acts in conflict therewith," be and the same is hereby amended so as to read as follows:

CHAPTER VIII.

Section 1. The Commissioner of Public Works, the Commissioner of Police, the Commissioner of Parks and Boulevards, Board of Fire Commissioners of the City of Detroit, the Board of Health and the Board of Education of the City of Detroit, shall respectively transmit to the City Controller on or before the first Tuesday of February in each year, their estimates of the amount of money required for their respective departments for the ensuing fiscal year, and the City Controller, on or before the first Tuesday in March, shall transmit the same to the Common Council, together with his estimate of the amount of money required to be raised for the purposes of each of the funds constituted by this charter: Provided, That he may at any time before the expiration of the time within which the Common Council is required to act upon said estimates, transmit to the Common Council supplemental estimates, which, by mistake or otherwise, may have been omitted in the estimates aforesaid.

Commissioners
and boards to
furnish
estimates
of money
required for
ensuing year.

Controller to
transmit esti-
mates to
Council.

Proviso as to
supplemental
estimates.

Council to consider and may revise estimates."

Revised estimates to be sent to board of estimates.

Estimates to be considered by board of estimates.

Information to be furnished to Council.

The Common Council shall consider such estimates and may revise or alter said estimates, but not so as to exceed the aggregate amount authorized by law to be raised by taxation, and when such revision shall be completed and adopted, they shall transmit such revised estimates to the Board of Estimates on or before the first Wednesday in April: Provided, It shall not be required to submit to the Board of Estimates so much of the revised estimates as shall be required to raise money for the payment of debts or liabilities theretofore duly and lawfully contracted, or for moneys which may be required for the payment of salaries fixed by law, or otherwise required by law to be levied. Said estimates so transmitted by the Common Council shall be considered by the Board of Estimates, and they shall report the amounts of money which for the purposes of the several funds and for the several departments aforesaid, they shall have consented to be raised by taxation. And no money shall be raised by taxation for any of said departments or for any of said funds, unless by consent of said board, excepting for the payment of debts and liabilities theretofore lawfully contracted, or for the payment of salaries fixed by law, or otherwise required by law to be levied. It shall be the duty of the Controller and the said Commissioners and Boards to furnish to the Common Council and to the Board of Estimates such information as may be necessary for the proper consideration of said estimates.

This Act is ordered to take immediate effect.

House enrolled No. 400. Approved June 6, 1901, amending Sections 187, 189 and 155 of "Charter and Laws" of 1893.

AN ACT

To amend Sections three and four of Chapter eight of Act number three hundred twenty-six, of the Local Acts of eighteen hundred eighty-three, entitled "An Act to provide a charter for the City of Detroit and to repeal all Acts and parts of Acts in conflict therewith," approved June seventh, eighteen hundred eighty-three.

The People of the State of Michigan enact:

Section 1. That Sections three and four of Chapter eight of Act number three hundred twenty-six, of the Local Acts of eighteen hundred eighty-three, entitled "An Act to provide a charter for the City of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen eighty-three, be and the same are hereby amended to read as follows:

Section 2. All members of said board shall be resident electors of said city and hold their office until their successors shall be elected and qualified. The following officers of said city shall be ex-officio members of said board, and shall have the right to participate in its deliberations, but shall not have the right to vote, to wit: The President and Chairman of the Committee on Ways and Means of the Common Council, the City Controller, City Counsellor, the President of the Board of Education, Board of Water Commissioners, Board of Police Commissioners, Board of Poor Commissioners, President of the Fire Commission, the senior members, being those whose terms will soonest expire, of the Board of Inspectors of the House of Correction and of the Board of Public Works, or the legal successor or successors in office of any such boards. All members of said board shall, before entering upon the discharge of their duties, take and subscribe and file in the office of the City Clerk, the same oath of

Qualifications and term of office of members of board of estimates.

Ex-officio members of board, who to be, and powers of.

Members of board to take and subscribe oath of office.

Compensation.	office as is prescribed in the charter of said city to be taken by city officers. The members of said board shall receive as compensation five dollars for each daily session of the board. Said board shall elect one of their number president of said board,
President.	who shall preside at its meetings, and who shall hold his office until the next election of members: Provided, That if he be absent, or incapacitated from performing his duties, the board may appoint a president pro tempore. The City clerk shall be
President pro-tempore.	ex-officio secretary of said board, and shall keep a record of its proceedings. The first meeting of said board shall be held annually on the first Monday in March, at ten o'clock in the forenoon, and at such other times as the Common Council may by resolution or ordinance provide. The meetings of said board shall be held in a suitable room to be provided by the Common Council, and if no provisions be made, then the same shall be
Secretary.	held in the Common Council chamber. The board may adjourn from time to time: Provided, That the meeting which shall be held annually to consider the estimates for the annual general taxes for city purposes shall not be adjourned to a time subsequent to the twenty-fifth day of April. The board shall have the right to
Meetings of board, when and where to be held.	call upon the Common Council or upon any officers or boards of the corporation for further reports, or for any information which it may require for the purpose of estimating any amount to be raised, or in reference to any other matter pending before such board. It shall also have the right to inspect the official books and papers of said officers or boards.
Adjournments.	
Council and officers to furnish reports.	
Board has right to inspect official books.	
Estimates to be furnished before moneys raised.	Section 4. Before any moneys shall be raised or taxes levied and collected for the purpose of the several funds mentioned in the charter of the City of Detroit, and acts amendatory thereof, except interest and sinking funds, for the purpose for which moneys are required to be raised by other acts relating to said city, which require estimates for taxes to be submitted by the City Controller or other officers and boards, the estimates of the amount of moneys required for such funds, or purposes by tax, shall be submitted to said Board of Estimates; and before any bonds shall be issued said issue shall be authorized by said Board of Estimates. The estimates for the general city taxes shall be acted upon by the Common Council as provided by law, and shall be submitted to said Board of Estimates in time to be considered by the board, on or before said twenty-fifth day of
Except interest and sinking funds.	
Estimates, how acted upon.	

April. Said board shall carefully consider all estimates hereby required by this act, to be submitted to it, of moneys to be raised as aforesaid, and shall approve or disapprove the same. It may decrease the amount to be raised, but shall not increase the same. The said board shall have the power and it shall be its duty, after careful consideration of the various estimates referred to it, if it shall deem it advisable so to do, to disallow any item, items or parts of items, in the different funds as well as in the gross amounts thereof, as the said board may deem advisable, and it shall be unlawful for the Common Council of said city to create any expenditure or expend any moneys as to items specifically disallowed and disapproved by such Board of Estimates. The said Board of Estimates may authorize the issuing of bonds by a majority vote of all the members elect, in all cases whenever such proposition has been duly and lawfully referred to said board for its action, by the said Common Council, and a majority vote of all the members elect of said board shall also be required to authorize or approve of any such estimates for different funds, or any part thereof, to be raised by taxation.

Board has power to disallow items.

Board may authorize issue of bonds, when.

This Act is ordered to take immediate effect.

This Act went into effect on March 9, 1901, without the Governor's approval. It was House enrolled No. 68, amending Sections 157 and 158 of "Charter and Laws" of 1893.

AN ACT

To amend Sections one, two, three, four, five, six, seven, eight, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, twenty-two, twenty-four, twenty-six, twenty-eight, thirty-one, thirty-two, thirty-three, thirty-nine, forty, forty-two, forty-five, forty-seven and fifty of an Act entitled "An Act supplemental to the charter of the City of Detroit and relating to parks, boulevards and other public grounds in the said City and to repeal Act number three hundred and seventy-four of the Local Acts of eighteen hundred and seventy-nine, entitled 'An Act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the City of Detroit and through portions of the Township of Hamtramck, Greenfield and Springwells in the County of Wayne, approved May twenty-first, eighteen hundred seventy-nine,'" approved May eighth, eighteen hundred eighty-nine, as amended.

The People of the State of Michigan enact:

Section 1. That Sections one, two, three, four, five, six, seven, eight, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, twenty-two, twenty-four, twenty-six, twenty-eight, thirty-one, thirty-two, thirty-three, thirty-nine, forty, forty-two, forty-five, forty-seven and fifty, of an Act entitled "An Act supplemental to the charter of the City of Detroit and relating to parks, boulevards and other public grounds in the said city, and to repeal Act number three hundred and seventy-four of the Local Acts of eighteen hundred and seventy-nine, entitled 'An Act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the City of Detroit and through portions of the townships of Hamtramck, Greenfield, and Springwells, in the County of Wayne, approved May twenty-first, eighteen hundred and seventy-nine,'" approved May eighth,

eighteen hundred and eighty-nine, as amended, be and the same is hereby further amended so as to read as follows:

Section 1. Within five days after this Act shall take effect the Common Council of the City of Detroit shall appoint a Commissioner of Parks and Boulevards, the term of office of such Commissioner to commence on the first day of the month next following his appointment, and he shall hold office for the term of four years and until his successor is appointed and qualified. During any sickness, absence or other temporary inability of the Commissioner to perform his duties, the Secretary shall be the Acting Commissioner and perform the duties and have the powers of Commissioner.

Commissioner of parks and boulevards to be appointed.

Term of office.

When secretary to act.

Section 2. Every person appointed a Commissioner of Parks and Boulevards shall be an elector and freeholder of said City of Detroit, and shall, before entering upon his office, take and subscribe the oath of office prescribed by the Constitution and file the same in the office of the City Clerk. He shall also make and execute to the City of Detroit a bond, with one or more responsible sureties, or with a responsible surety company as surety, and approved by the Controller of the said City of Detroit, in the penal sum of fifty thousand dollars, conditioned for the faithful performance of the duties of his office, which said bond shall be filed with the City Clerk.

Commissioner to be an elector and freeholder.

Oath of office.

Bond.

Section 3. All the powers and duties now vested in the existing Board of Park and Boulevard Commissioners, from and after the appointment of said Commissioner of Parks and Boulevards, and upon his entering into said office, are hereby abrogated and revoked, and the said present Commissioners shall deliver to the Commissioner hereby authorized to be appointed, all their official records, books, plans and papers, and all property in their custody or under their control.

Powers and duties of commissioners revoked.

Section 4. At the expiration of the term of office of the Commissioner, the Mayor of the said city in like manner shall appoint a suitable person of like qualifications as his successor, for the full term of four years, and a vacancy shall be filled by appointment by the Mayor for the residue of the term vacant; and the persons so appointed, upon taking and filing with the City Clerk the oath of office and bond as heretofore prescribed

Successors to be appointed.

How vacancy to be filled.

for such office, shall perform the duties of said office for the term for which they are appointed, or for the residue of the term vacant, as the case may be. The said Commissioner of Parks and Boulevards shall have the right and it shall be his duty to demand, obtain and receive, all the official records, books, plans and papers above mentioned, from any person or persons who may have the same or any portion thereof in their custody, and thereafter he shall have the care, custody and control of the same. The said Commissioner may be removed by a vote of two-thirds of the members elect of the Common Council, but only upon written charges and an opportunity to appear and defend with the aid of counsel.

How
commissioner
may be
removed.

Commissioner
to appoint
Secretary.

Make rules
and
regulations.
To employ and
discharge, and
prescribe com-
pensation of
subordinates.

Bonds of
appointees,
etc.

Section 5. The Commissioner of Parks and Boulevards shall appoint a secretary, who shall hold office during his pleasure, and shall make all needful general rules and regulations for the transaction of business of his department, and may employ and at his pleasure discharge superintendents, engineers, clerks, agents and subordinates, and prescribe their compensation. All officers and appointees, or either of them, shall give security for the faithful performance of their trust, as said Commissioner may require.

Powers and
duties of
commissioner

Section 6. The Commissioner of Parks and Boulevards shall have the control and management, and shall have charge of the improvements of all the parks and public grounds of said city, including the island park, known as Belle Isle Park, and of such parks and public grounds as may hereafter be acquired, laid out, purchased or dedicated for public use in said city. And he shall likewise have the control, management and charge of the improvement and maintenance of the boulevard, which was laid out and established by the Act creating said Board of Boulevard Commissioners, and of any other boulevard which may at any time be hereafter acquired, laid out, established or located by said city. The authority hereby conferred shall not be construed as giving any charge or control to said Commissioner over and to the improvement of any of the ordinary public streets or alleys. When the estimated cost of any work or improvement ordered by said Commissioner shall exceed the sum of five hundred dollars, the same shall be done by contract, after advertisements for bids in at least two daily papers, printed in said city, for at least seven days.

What work to
be done by
contracts.

Bids for.

Section 7. The said Commissioner may make all needful rules and regulations for the management, maintenance and care of the said parks, public grounds and boulevard or boulevards, and regulate their use, and the Common Council of said city may provide by ordinance for the observance of the same, and may also in like manner provide for the observance and enforcement of any other rules and regulations duly made by said Commissioner under any of the provisions of this Act. And said Common Council may by ordinance provide for the preservation and protection of the parks, public grounds and boulevards, and any of the property in charge of said Commissioner against any destruction or injury, and prevent the destruction or injury to, or taking of any trees, shrubs, plants, flowers or other things set out, planted or used by said Commissioner in beautifying, improving or ornamenting said parks, public grounds, or boulevards, and prevent any disorder or disturbance on or about said parks, public grounds or boulevards, or any encroachment thereon or interference with the quiet and peaceable use and enjoyment of the same for the purposes for which the same are established and maintained. Said ordinances may provide for the punishment for any breach or violation of any of their provisions by like penalties provided for violation of ordinances of said city. The Commissioner or Commissioners of Metropolitan Police for the City of Detroit, upon request to said Commissioner of Parks and Boulevards, shall detail for service in any of the grounds under the charge of said Commissioner of Parks and Boulevards, so many of the police force as may be necessary to maintain order and protect the property thereon, and any policeman on duty on said grounds may remove therefrom any person who may violate any of the rules and regulations of said Commissioner, or of any of the ordinances of said city, adopted as aforesaid, relating to said parks, public grounds or boulevards.

Rules and regulations relative to parks, etc.

Police to maintain order, etc.

Section 8. The Commissioner shall annually, before the first day of April, prepare and submit to the Common Council, an estimate of the amount of money that should be raised for the ensuing fiscal year for the purpose of improving and maintaining the grounds under his charge, which estimate shall specify the sums desired for each of the several objects of expenditure, and at the same time make a report to the Common Council of the amount of revenue and income which it is estimated shall be

Estimates of money to be raised.

Commissioner to be member of board of estimates.

received during such fiscal year from any source. Said Commissioner shall be a member of the Board of Estimates of said city.

Bills, etc., to be audited by commissioner and transmitted to controller, thence to council.

Section 10. All bills, accounts and claims of every character against the said department, shall, after having been duly audited by said Commissioner and certified by him and the Secretary, be transmitted to the City Controller, who shall submit the same to the Common Council with his approval or disapproval. When said bills, accounts and claims shall have been allowed by the Common Council, the Controller shall draw his warrant or warrants on the City Treasurer in payment therefor: Provided however, That no bill, account or claim against said department shall be audited by the Commissioner, unless it shall be accompanied by an affidavit of the person rendering it that he verily believes the services or property therein charged have been actually performed or delivered to the city, and that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no offset exists or payment has been made on account thereof, except such as are included or referred to in such bill, account or claim.

How paid.

All pay rolls shall be certified by said Commissioner and Secretary, and shall be delivered to the City Controller, who shall draw his warrant for the payment thereof and deliver the same to the City Treasurer, together with said pay roll, and said City Treasurer shall pay the amounts mentioned in said pay roll to the persons entitled thereto. No debt or liability of any kind shall be created by said Commissioner during any one fiscal year in excess of the moneys then in said fund, or which may have been authorized to be raised by the Common Council for said year. The Commissioner may receive donations or bequests of money or property, which shall be used for the maintenance and improvement of the grounds under his charge, or either of them, as contemplated by such donations and bequests, which said money shall be paid into the City Treasury by him, and warrants drawn against the same, as in case of other expenses of such department, for the purposes for which said donation or bequest shall have been made.

Accounts to be verified.

Pay-rolls to be certified by commissioner and secretary.

How paid.

Limit of liability.

Donations and bequests.

Belle Isle bridge, etc., a part of Belle Isle.

Section 11. The bridge connecting Belle Isle with the main land and its approaches, and such lands as may be hereafter purchased or condemned in connection therewith, shall, for the purposes of this Act, constitute a part of Belle Isle Park, and said

Commissioner shall have the custody and control of same, subject to the general directions of the Common Council, and it shall be his duty to see that all suitable rules and regulations respecting the use of said bridge and its approaches are enforced. The necessary engineers or bridge tenders shall be appointed by the Board or Commissioner of Public Works of said city, and their compensation paid from the fund of said board or Commissioner of Public Works; and the making of the necessary repairs and the maintenance of said bridge shall be under the direction and supervision of said board or Commissioner, and be subject to the authority of the Common Council, but the expense thereof shall not be made a charge upon the said park fund.

To be under custody and control of commissioner.

Section 12. Said Commissioner of Parks and Boulevards shall receive for his services the sum of five thousand dollars per annum, payable in monthly installments. He shall vacate his office in the event of his accepting or holding any other civil office; and any Commissioner who shall be publicly nominated for any office elected by the people, and who shall not decline said nomination within ten days after he shall have been informed thereof, shall be deemed to have vacated his office.

Compensation of Commissioner.

Not to hold civil office.

To decline nomination.

Section 13. The Commissioner shall make an annual report to the Common Council of his doings and of the expenditures made by him and showing the situation and condition of affairs under his control. The Common Council may require a report from said Commissioner at any time, and the records, books, papers and the accounts of the department shall at all times be subject to the inspection of the Mayor, Controller, or of any committee appointed by the Common Council for that purpose.

Annual report.

Other reports may be required.

Section 14. The grounds of which said Commissioner may have control shall be used and enjoyed solely for the purposes for which they were established: Provided, That privileges for the hiring of boats and vehicles and other like purposes such as are usual in public parks, may be let by the Commissioner for a period not exceeding two years, but the same shall be exercised and permitted only upon the same being subject to his supervision and direction, and to such orders, rules and regulations as he may make at any time: Provided, That the said Commissioner may prohibit and prevent the construction or operation of any railway or tramway, engines, cars, or motors on Belle Isle Park or other city park, or along the boulevard.

Use of public grounds.

Privileges to be let by commissioner.

May correct
lines of
boulevards.

May receive
conveyances
of lands for
parks.

Land for
parks, etc.,
how may be
purchased.

Bonds may be
issued.

How signed,
numbered, etc.

Legal proceed-
ings to acquire
land.

Section 15.* If at any time it shall appear that the lines of said boulevard authorized by said Act, approved May twenty-one, eighteen hundred and seventy-nine, have not been legally laid out or established as provided by said Act, the Commissioner may make and certify a map or plat showing the lines or location of certain boulevards and cause the same to be recorded in the office of the Register of Deeds for said county. The Commissioner may receive conveyances granting to the City of Detroit lands for said parks, public grounds or boulevards, and, with the approval of the Common Council, may agree with any person having an interest in any such lands for the purpose of conveyance to said city of the same; and with the consent of said Common Council, may acquire, by purchase or by legal proceedings in the manner hereafter provided, any lands or interest in lands which may be found necessary for the opening of any park and enlargement or extension of any park or boulevard which may hereafter be laid out, located or established; and upon such acquisitions being made, cause the proper conveyances to be made and recorded, and the purchase price thereof, as well as any compensation to be paid for any lands which may be taken or condemned by proceedings taken therefor, as hereinafter provided, may be paid from the contingent fund of said city, or may be raised, if the Common Council shall so determine, by the issue of bonds, to be known as park and boulevard bonds, and which shall be signed, numbered, sold and issued in like manner as Detroit sewer bonds are by the city charter required and authorized to be made and issued; and the moneys so paid or raised shall be exclusive of the amounts raised for maintenance and improvements as hereinbefore provided.

Section 16. Whenever in the acquisition of any land which said commissioner may be authorized to acquire, said Commissioner may find it necessary or expedient to make such acquisitions by legal proceedings as hereinafter provided, said Commissioner shall present to the Recorder's Court of the City of Detroit his petition, verified by him, his secretary or attorney who may be appointed to conduct such proceeding, briefly setting forth the grounds and objects thereof, and praying that a jury of freeholders may be empaneled to ascertain and determine the

*This section was amended by House enrolled No. 357, which is printed immediately following this Act.

necessity for the taking of such lands, and to determine or award the damages or compensation to be allowed to the respective parties entitled thereto for such takings. The petition shall set forth the description of land sought to be acquired, the purposes for which the same are sought, the names and residence of the owners of such lands or of other persons having interests therein, so far as known; and if any of such persons are infants, idiots or of unsound mind, such fact shall be stated, with the age of such infants. It shall be competent to unite in said petition two or more distinct parcels of land, though owned by different persons, and parties having different interests or estates in any land or any part thereof, may be united as respondents in respect to the same in the petition.

Section 22. The jury shall hear the proofs and allegations of the parties and the arguments of counsel, and if so ordered by court, shall go to the place of the intended improvements in charge of an officer, and upon or as near as practicable to any property proposed to be taken, and examine the premises. They shall be instructed as to their duties and the law in the case by the court, and shall repair in charge of an officer, and render their verdict in the same manner as on the trial of an ordinary civil suit. The testimony given shall be reported, all objections made and rulings of the court thereon, and exceptions taken, being noted by the regular court stenographer, and the charge of the court, or instructions given to the jury, shall likewise be reported by him. The jury shall consider and report in writing on each distinct parcel of land and the interests in the same separately, and when all is finished bring the report into the court, and the same be filed with the Clerk. A disagreement of the jury as to one or more distinct parts of land shall not affect their report as to any lands with regard to which they have agreed; and upon such disagreement, the court may, upon motion of the Commissioner, with a view to further proceedings, permit the petition to be so amended as thereafter to relate only to the premises affected by such disagreement and to the persons interested therein, and will also cause a new jury to be drawn and empaneled, which new jury shall be drawn and empaneled in the same manner as above provided for the drawing of the original jury, and like proceedings as above provided shall thereupon be had as to the lands concerning which there was such a Idem.

failure to agree, and such new proceedings may be ordered by the courts as often as may be necessary.

Idem.

Section 24. The court, upon motion of the Commissioner, may confirm any report made as aforesaid, unless good cause shall be shown; but if such cause is shown, the court may set aside any report and order a new jury and new proceedings as in case of the failure of the jury to agree; and upon motion of said Commissioner, as well as upon the motion of any of the respondents, may grant a new trial and order a new jury, as in case of the failure of a jury to agree; but motions for a new trial shall be made within two days after rendition of the verdict, or within such further time as shall be allowed by the court, and if no such motion is made, or being made, is overruled, the court shall enter an order confirming the verdict of the jury, and such order shall be final and conclusive as to all persons interested therein.

Idem.

Section 26. Any party interested in any of the lands so sought to be acquired who shall deem himself aggrieved by such final order, or said Commissioner, may appeal therefrom to the Supreme Court, which appeal shall be in writing and filed with the clerk of the court within five days after the making of said final order. The party or parties so appealing, shall within ten days after the making of such order, draw up a statement in the nature of a bill of exceptions, containing so much of the evidence and other proceedings as shall be sufficient to fairly present the question to be raised thereon, and present the same to the judge for his signature, and shall at the same time serve a copy of the same on the attorney of the appellee, who may propose amendments thereto; and said judge shall within ten days after said bill is presented, cause said bill, if necessary, to be corrected according to the true facts of the case, and shall sign the same and file it with the clerk of said court, who shall forthwith make a transcript of the files and entries in said case and certify such transcript with said bill of exceptions to the Supreme Court, who shall thereupon have full jurisdiction to determine the case. Assignments of error shall be made and filed as in cases upon writ of error. If error shall be found, the Supreme Court shall reverse the order, so far as it affects the party appealing, and remand the case to the Recorder's Court for further proceedings.

where the case admits of the same, and said court may permit all amendments needful to limit such further proceedings to the premises affected by such appeal and the persons interested therein, or for the same purpose to permit a supplemental petition to be filed, but in that case it shall not again be necessary to serve process or give due notice, unless it be necessary in order to bring in new parties. Said court may cause a new jury to be drawn and empaneled, and the case may be proceeded with in like manner as upon an original petition. The appeal of one or more persons interested in a final order shall not in any way affect said order as to the other persons interested therein who do not appeal, nor as to any lands or interests in lands, in which the appellants have no interest.

Section 28. Within one year after the confirmation of the jury, or after judgment of confirmation shall be affirmed on appeal, the Commissioner shall pay or tender to the respective persons entitled to receive the same, the damages and compensation awarded for taking such private property; and in case any person shall refuse the same, be unknown, or be a non-resident of said city, or cannot with reasonable diligence be found in said city, or for any reason deemed incapacitated from receiving his amount, or the right thereto be disputed or doubtful, the Commissioner may deposit the amount awarded in such case with the City Treasurer, who shall on demand pay the same over to any person entitled and competent to receive it, taking their receipt therefor. Upon such payment, tender or deposit, the Commissioner may enter upon, take possession of and convert such private property for the uses and purposes for which it was taken, and may remove all buildings, fences or other obstructions therefrom. Idem.

Section 31. The Commissioner may make rules and regulations as to sidewalks on the boulevard and as to their width and location, and may describe the material and manner in which they shall be constructed on the several portions thereof. It shall be the duty of the owners and occupants of lands abutting on the boulevard to construct and keep all such walks in good repair and in suitable condition for travel thereon. Whenever in the judgment of said Commissioner the construction or repairing of any sidewalk in front of or adjacent to any Rules and regulations as to sidewalks.
Owners to repair, etc., sidewalks.

What notice to owners to specify.	such lands is necessary, he shall notify the owner, his agent or the occupant thereof, to construct or repair said sidewalk. If for the construction of a new walk, such notice shall specify the kind of material and the location where the same is required to be made; such notice shall further state the time within which such sidewalk is to be made or repaired. If the owner or occupant of any such lands shall neglect to construct or repair such walk within the time specified within such notice, the Commissioner may cause the same to be constructed or repaired, and he shall thereupon report to the Common Council the amount of expense thereof, and the sum so reported shall be assessed upon the lands in front of or adjacent in(to) which the said walk was made or repaired, which assessment shall be a lien upon said lands until paid, and shall be levied and collected and in like manner and by the same officer, as other assessments for the construction or repairing of sidewalks are levied and collected.
When commissioner may repair, etc., sidewalks.	If said Commissioner shall deem the condition of any walk to be dangerous to persons traveling thereon, the owner of the premises in front of which such walk may be shall be considered in default, and the Commissioner may proceed at once, without notice, to construct or repair the walk, and to report the amount of the expense to the Common Council for assessment on said premises, as above provided. The moneys received from collections of such assessments shall be credited to the funds from which the cost of construction or repairs shall be paid, and any owner of lands so neglecting to build or repair shall be liable to the city for damages which shall be recovered against the city for any injuries received by any person by reason of such neglect.
How expense thereof to be paid and assessed.	
When commissioner may repair, etc., sidewalks without notice to owners.	
Animals not to be allowed on Belle Isle, parks, etc.	Section 32. No person shall bring, drive or lead any swine, goat, cattle or any other animal other than horses and other beasts of burden in, on or along the boulevard, Belle Isle, or any other parks or public grounds in charge of the Commissioner of Parks and Boulevards; and no person shall lead any horse, mule or other animal on said boulevard or the driveways of either of said parks; or draw a second carriage, wagon or other vehicle with any horse or other motive power, nor drive thereon any horse before any sleigh or sled, unless there shall be a sufficient number of bells attached to the harness of such horse or to such sleigh or sled, to warn persons of their approach.
Riding and driving on, regulations for.	

Section 33. No person shall ride or drive in said park or along said boulevard at a rate of speed exceeding eight miles per hour, excepting that horses may be speeded on such parts of said boulevard or Belle Isle Park as may be set apart by said Commissioner for that purpose, and then only under such regulations as the Commissioner may prescribe.

Section 39. No person shall dig, remove or carry away any sward, sand, turf or earth in or from any public park or boulevard, and no person shall open or dig up or tunnel under any part or portion of the boulevard, without a permit from the Commissioner of Parks and Boulevards, and before granting any such permit the applicant therefor shall be required to deposit with the Secretary of said Commissioner such sum of money as the Superintendent of the boulevard, or such other officer as the Commissioner may designate for that purpose, shall estimate, will fully cover any expense to be incurred by the Commissioner in connection with such opening or tunneling, and the Commissioner may make suitable regulations and conditions with respect to issuing said permits. And said Commissioner may retain the actual expense, which shall be certified by the Superintendent, which may be incurred by the Commissioner in connection with any work done by him, for the purpose of restoring any roadways, sidewalk, planting place or other portion of said boulevard, and the Secretary shall refund to the person to whom said permit shall be issued the difference, if any, between the amount deposited and the amount so certified by the Superintendent. Carriage or driveways and foot walks connecting with any premises adjoining the boulevard, or hitching posts thereon, shall be allowed only on a permit issued under this section, and the material used in making such ways, walks or posts, shall be determined by the said Commissioner.

Idem.

Permits for removing sand, etc.

For digging tunnel.

How obtained.

Carriage or driveways and footwalks, permits for.

Section 40. No person shall place or deposit any dead carcass, ordure, filth, dirt, stone, ashes, garbage or rubbish of any kind, or other matter or substances on the said boulevard or on any of said public parks, and no person shall wade into or throw any wood, sand, stone or other substance into any basin, pool, lake or fountain in any public park, or bathe or fish in any of the waters thereon, except on Belle Isle Park, where persons may bathe and swim, but only under such restrictions and con-

Filth, etc., not to be deposited on boulevard or parks.

Fishing.

Bathing.

ditions as may be prescribed by the Commissioner of Parks and Boulevards. And no person shall send or ride any animal into same, nor shall any person kill, molest or disturb any fish, fowl or animals kept thereon.

Playing
games.

Section 42. No person shall play at any game whatever in or upon said boulevard, or on any of the said parks under the charge of the said Commissioner: Provided, however, That ball, cricket, lawn tennis and other like games or recreation may be played upon such portions of said parks as may be designated from time to time by the Commissioner, and under such rules and regulations as may be prescribed by him.

Hawking and
peddling.

Section 45. No person shall expose any article or thing for sale, or do any hawking or peddling, in or upon said parks or boulevards, and no person, without the consent of said Commissioner, shall play upon any musical instrument, or carry or display any flag, banner, target or transparency; nor shall any military or target company, or band or procession arrayed, march, drill or perform any evolutions, movements or ceremony within any of said parks, or upon or along said boulevard, without permission of said commissioner, and no person shall do or perform any act tending to the congregating of persons on said boulevard or in said parks.

Music.

Marching,
drilling, etc.

May be
permitted by
commissioner.

Ferry boats
and vehicles
for hire, how
licensed.

Section 47. All boats and vessels, carriages, railroad cars and other vehicles running for hire to and from said Belle Isle Park, or any other park, shall be duly licensed and shall be subject to all the rules and regulations that may be established by said Commissioner or by the Common Council from time to time, and no person shall carry on the business of carrying passengers to and from either of said parks unless their vehicles shall be so licensed. And no person commanding or having any charge of any boat, carrying passengers for hire, shall aid or permit any passengers therefrom to land at any dock on Belle Isle Park, excepting such as may be designated for that purpose by the Commissioner, and no person having charge of any vessel, shall fasten or tie the same at any dock or wharf in Belle Isle Park, excepting for the purpose of receiving or discharging passengers as permitted by this section.

Section 50. No person shall remove any house or building on, along or across the boulevard, except upon the written permission of said Commissioner, which shall be issued only upon such terms and conditions and under such regulations as they (he) may prescribe, and upon a deposit with the Secretary of said Commissioner of such sum as may be fixed by said Commissioner, and as he shall estimate will fully cover all damages to walks, roadways, grass plats, trees and other property and improvements of said boulevard; and said permit shall be issued only upon the express condition that said moving shall be commenced and completed between the hours of one and six o'clock in the forenoon, and the occupancy of the boulevard shall continue only between said hours, that the said moving shall have been completed, the roadway, grass plats, walks and other improvements shall be restored to their former condition by the said Commissioner, or under the supervision of the Superintendent, and the Superintendent shall thereupon certify to the Secretary the actual expense incurred in such restoration, and the Secretary shall refund to the person to whom said permit shall be issued the difference, if any, between the amount deposited and the amount so certified by the Superintendent.

Moving houses upon or across boulevard may be permitted by commissioner.

This Act is ordered to take immediate effect.

House enrolled No. 257. Approved May 4, 1901, amending parts of Chapter 19 of "Charter and Laws" of 1893, and sections added thereto by an act approved May 24, 1895.

AN ACT

To amend Section fifteen of Chapter nineteen of an Act entitled "An Act supplemental to the charter of the City of Detroit, and relating to parks and boulevards, and other public grounds in said city, and to repeal Act number three hundred seventy-four of the Local Acts of eighteen hundred seventy-nine, entitled 'An Act to provide for the establishment and maintenance of a broad street or boulevard, about the limits of the City of Detroit, and through portions of the Townships of Hamtramck, Greenfield and Springwells, in the County of Wayne,' approved May twenty-one, eighteen hundred seventy-nine.

The People of the State of Michigan enact:

Section 1. That Section fifteen of Chapter nineteen of an Act, entitled "An Act supplemental to the charter of the City of Detroit, and relating to parks and boulevards, and other public grounds, in said city, and to repeal Act number three hundred seventy-four of the Local Acts of eighteen hundred seventy-nine, entitled 'An Act to provide for the establishment and maintenance of a broad street or boulevard, about the limits of the City of Detroit, and through portions of the Townships of Hamtramck, Greenfield and Springwells, in the County of Wayne,' approved May twenty-one, eighteen hundred seventy-nine, as amended, be amended so as to read as follows:

Commissioner
may make map
of boulevard.

. Section 15. If at any time it shall appear that the lines of said boulevard, authorized by said Act approved May twenty-one, eighteen hundred and seventy-nine, have not been legally laid out, or established as provided by said Act, the Commissioner may make and certify a map or plat showing the lines of location of said boulevard, and cause the same to be recorded in the

office of the Register of Deeds for said county. The Commissioner may receive conveyances granting to the City of Detroit lands for said parks, public grounds or boulevards, and with the approval of the Common Council, may agree with any person having an interest in any such lands for the purchase and conveyance to said city of the same; and with the consent of said Common Council may acquire by purchase, or by legal proceedings, in the manner hereinafter provided, any lands, or interest in land, which may be found necessary for the opening of any park and enlargement or extension of any park or boulevard which may hereafter be laid out, located or established, and may, whenever the Common Council shall so determine, take charge of and convert into a boulevard any portion, or all, of the street known as Lafayette avenue as it is now laid out or as it may be opened at any future time. And upon such acquisitions being made, to cause the proper conveyances to be made and recorded, and the purchase price thereof, as well as any compensation to be paid for any lands which may be taken or condemned by proceedings taken therefor, as hereinafter provided, may be paid from the contingent fund of said city, or may be raised, if the Common Council shall so determine, by the issue of bonds to be known as park and boulevard bonds, and which shall be signed, numbered, recorded, sold and issued, in like manner as Detroit sewer bonds are by the city charter required and authorized to be made and issued. And the moneys so paid or raised shall be exclusive of the amounts raised for maintenance and improvement as hereinbefore provided.

May receive conveyances.

May acquire land by purchase, or legal proceedings.

May convert Lafayette avenue into a boulevard.

May issue bonds, when.

This Act is ordered to take immediate effect.

House enrolled No. 357. Approved June 3. 1901, amending Section 437 of "Charter and Laws" of 1893, and Section 15 in the foregoing Act.

AN ACT

To amend Section twenty-seven of an Act entitled "An Act relative to free schools in the City of Detroit," approved February twenty-four, eighteen hundred sixty-nine, and Acts amendatory thereof.

The People of the State of Michigan enact:

Section 1. That Section twenty-seven of an Act, entitled "An Act relative to free schools in the City of Detroit," approved February twenty-four, eighteen hundred sixty-nine, and Acts amendatory thereof, be and the same is hereby amended to read as follows:

Section 27. The Board of Education of the City of Detroit shall establish what shall be known as the Public School Teachers' Retirement Fund, which fund shall be administered according to such rules and regulations, by-laws and ordinances as may be adopted by the Board of Trustees hereinafter provided for not inconsistent herewith. Said fund shall consist of:

School
teachers
retirement
fund.

What fund to
consist of.

(a) Permanent
fund, how
made up.

(a) A permanent fund, which shall consist of:

First. All moneys received from donations, legacies, gifts, bequests and other contributions designated for said permanent fund.

Second. All moneys appropriated by the Board of Education or raised therefor by the approval of the Common Council and Board of Estimates.

Third. All moneys authorized by this Act to be paid into said fund from tuition fees of non-resident pupils and from moneys received and designated as interest on daily balances of all moneys appropriated and collected for the payment of salaries of teachers.

Fourth. All moneys which the Board of Trustees hereinafter provided for may deem proper to transfer from time to time from the general fund hereinafter provided for. The interest only of this permanent fund shall be used in the payment of annuities, and for that purpose said interest shall be turned over to the general fund hereinafter provided for.

(b) A general fund, which shall consist of:

(b) General fund, how made up.

First. All moneys received from deductions made by the Board of Education from the salaries of teachers in the public schools of said city, which deduction shall not be less than one per cent nor more than three per cent annually of the salary of each teacher: Provided, That no deduction shall be made from the salary of any teacher on an amount greater than one thousand dollars.

Second. All interest or income derived from said general fund.

Third. All money, pay, compensation or salary, or any part thereof, deducted or withheld from any teacher or teachers on account of absence from duty, or any cause in accordance with the provisions of the rules of the Board of Education.

Fourth. All other moneys intended for the retirement fund and not already specified.

The Board of Trustees shall consist of the President of the Board of Education, the President pro tem. of the Board of Education, the Chairman of the Committee on Teachers and Schools of the Board of Education, the Superintendent of Schools of the City of Detroit, and three teachers in the public schools of the City of Detroit, to be selected by ballot in such manner as said Board of Trustees shall prescribe by the teachers who contribute a percentage of their salaries to said fund. The term of office of the representatives of the teachers after the first election shall be three years, one to be elected each year. At the first election one representative shall be elected for one year, one for two years, and one for three years. The Treasurer of said Board of Education shall be Treasurer of the Board of Trustees, and shall hold all moneys belonging to said funds, and shall pay out the same under the direction of the Board of Trustees and the Board of Education as hereinafter provided.

Board of trustees, what to consist of.

Term of office of representatives of the teachers.

Amount to be deducted from salaries.

Board of Education to administer permanent fund.

Board of trustees to make payments from general fund.

Honorary members of board of trustees.

Board of education to amend its rules or by-laws.

Proviso, in case retirement fund is discontinued.

The Board of Education shall, on recommendation of said Board of Trustees, determine the amount to be deducted from the salaries paid to teachers as aforesaid. Said Board of Education shall have charge of and administer said permanent fund, and shall have power to invest the same in the name of the Board of Trustees in United States government or municipal bonds and first mortgages upon improved real estate within the City of Detroit, to an amount not to exceed one-half of the assessed valuation thereof as shown by the latest assessment roll of said city, and not to exceed one-third of the cash value thereof as determined by the cashier and real estate appraiser of some bank of said city, to be designated by the Board of Education, as shall be deemed most beneficial to said fund. Said Board of Trustees shall have power to make payments from the general fund of annuities granted in pursuance of this Act, and for no other purpose, and shall from time to time make and establish such rules and regulations, by-laws and ordinances for the administration of said fund as they shall deem best. And said Board of Trustees may provide for honorary membership in the Board of Trustees for donors to the permanent fund, such honorary members not to have a vote in transacting the business of the Board. On and after the passage of this Act said Board of Education shall so amend its rules or by-laws relating to the absence from duty of teachers as to provide that reasonable sums shall be deducted from the salaries of teachers on account of such absence from duty, and said sums shall be transferred to and become a part of said general fund; likewise said Board of Education shall so amend its rules or by-laws relating to fees received from non-resident pupils as to provide that all moneys received from non-resident pupils for tuition shall be transferred to and become a part of said permanent fund to be established and administered as herein provided; likewise said Board of Education shall appropriate and transfer to said permanent fund all money or moneys received and designated as interest on daily balances of all moneys appropriated and collected for the payment of salaries of said teachers: Provided, That the money thus constituting the permanent fund shall revert to the Teachers' Salary Fund of the Board of Education of the City of Detroit in case said retirement fund shall for any reason be discontinued: Provided further, That from and after such time as the said permanent fund shall amount to one hundred thousand dollars no further sum shall be

added thereto from the two last mentioned sources except by a two-thirds' vote of the Board of Education. Any teacher in the public schools of the City of Detroit who has completed thirty years of service as teacher in the public schools, twenty years of which shall have been in the public schools of Detroit; also any teacher who has taught twenty-five years in the public schools of Detroit shall, upon application, be placed on the roll of annuitants by said Board of Trustees. Any teacher in the public schools of the City of Detroit who has completed twenty-five years of service as a teacher in the public schools, fifteen years of which shall have been in the public schools of Detroit, may be placed on the roll of annuitants by said Board of Trustees. Any teacher in the public schools of the City of Detroit who shall in the judgment of said Board of Trustees become so disabled or incapacitated as to be unable or incompetent to perform the duties of teacher, may be placed on the roll of annuitants by a two-thirds vote of the whole Board of Trustees, provided said teacher shall have completed twenty years of service as a teacher in the public schools, ten years of which shall have been in the public schools of Detroit. Any teacher who shall resign or be removed for cause shall, upon application within three months after date of such resignation or removal, be entitled to receive such sum as said trustees shall direct, not to exceed one-half of the total amount paid by such teacher into such fund. Each teacher placed on the roll of annuitants shall be entitled to receive an annuity which shall not exceed the sum of two hundred and fifty dollars per annum. The President and Secretary of the Board of Education shall once in three months certify to the Treasurer of said Board of Trustees all amounts deducted from the salaries of teachers in accordance with the provisions of this Act, together with all amounts received from non-resident pupils for tuition, and all amounts received as interest or income from moneys appropriated and collected for the payment of salaries of teachers, which amounts, as well as all other moneys contributed to said fund or funds, shall be set apart and held by said Treasurer in a special fund or funds for the purposes hereinbefore specified, subject to the order of said Board of Education and said Board of Trustees, as herein provided, except that the principal of the permanent fund cannot be expended, and the general fund shall be paid out upon warrants signed by the President and Secretary of said Board of

Who may be placed on the roll of "annuitants."

Annuitants, what to receive.

Proviso as to
expenses, etc.

Moneys to be
transferred.

Trustees, and the permanent fund for the purpose of investment upon the warrant of the President and Secretary of the Board of Education: Provided, That the Board of Education shall pay out of the maintenance fund of said Board all sums which they shall deem necessary for printing and other current expenses of said Board of Trustees. All moneys belonging to the general fund of the retirement fund at the time this Act goes into effect shall be transferred to the general fund created by this Act; likewise all moneys belonging to the so-called endowment fund of the retirement fund shall be transferred to the permanent fund created by this Act.

Section 2. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

This Act is ordered to take effect June first, nineteen hundred one.

House enrolled No. 231. Approved May 17, 1901, amending an Act approved May 22, 1895, adding Section 27 to Chapter 20 of "Charter and Laws" of 1893.

AN ACT

To amend Sections one, two, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty and thirty-three of an Act entitled "An Act to establish a police government for the City of Detroit," approved April seventeenth, eighteen hundred and seventy-one.

The People of the State of Michigan enact:

Section 1. That Sections one, two, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty and thirty-three of an Act, entitled "An Act to establish a police government for the City of Detroit," approved April seventeenth, eighteen hundred and seventy-one; be and the same are hereby amended so as to read as follows:

Section 1. That all powers and duties connected with and incident to the police government and discipline of the City of Detroit shall be vested in and exercised by one Commissioner of Police, a Superintendent and other officers, and patrolmen, as hereinafter provided. Powers and duties of police government, vested in one commissioner, etc.

Section 2. That within five days after this Act shall take effect it shall be the duty of the Common Council of the City of Detroit, and it is hereby authorized and empowered to appoint a Commissioner of Police, having the qualifications of an elector and freeholder of said city, and who shall hold his office until the first day of July, nineteen hundred and five, or until his successor shall be elected and qualified. The existing Board of Metropolitan Police shall, upon the appointment and qualification Council to appoint Commissioner. Board to surrender books, etc.

of the Commissioner hereby authorized to be appointed, surrender to him all property, books, papers, documents and effects in their custody or under their control, and the said Commissioner shall succeed to all the rights, privileges and prerogatives lawfully pertaining to the existing Board of Metropolitan Police, not in conflict with the provisions of this Act. At the expiration of said term, and each four years thereafter, the Mayor of said city shall appoint a suitable person of like qualifications as Commissioner of Police for the term of four years and until his successor shall be appointed and qualified. The Mayor shall appoint a suitable person of like qualifications to fill any vacancy in said office for the remainder of any unexpired term. Before entering upon the duties of his office, the Commissioner of Police shall file in the office of the City Clerk his bond in the penal sum of fifty thousand dollars, with two or more responsible sureties, or with a responsible surety company as surety, and approved by the City Controller, conditioned for the faithful performance of the duties of his office. During sickness, absence, or other temporary inability of the Commissioner to perform the duties of his office, the Superintendent shall perform the duties and have the powers of said Commissioner: Provided, That he shall not have authority to change any general rule or regulation, or to make appointments.

Appointment of commissioner every four years by mayor.

Appointment to fill vacancy.

Bond.

Superintendent to perform duties in case of absence, etc., of commissioner.

Superintendent and other officers to be appointed.

Commissioner may remove or suspend his appointees.

Section 5. Said Commissioner of Police shall have power to appoint a Superintendent of the Police Force, a Deputy Superintendent, a Captain of Police for each thirty patrolmen called into service, one or more officers to be called and act as detectives, one Captain and one Sergeant of Detectives, one Sergeant of Police for each fifty patrolmen, an attorney, surgeon, one or more roundsmen, doorman, janitors, and such patrolmen as may be deemed necessary, or for whom compensation may be provided by the taxes authorized to be levied in the annual tax levy of said city for the support of said department. He shall also appoint as many patrolmen, with or without compensation, in time of special emergency or apprehended danger from riot or other cause, as he shall deem expedient. Said Commissioner shall also have power, for cause assigned and on a public hearing and on due notice, according to rules which shall be promulgated to remove and suspend from office, or for a definite time to deprive of pay, any member of such police force: Provided, That the

Superintendent, Deputy Superintendent either of the detectives, attorney, surgeon, secretary and property clerk may be dismissed at any time at pleasure. Said Commissioner shall also make rules and regulations for the discipline and government of said force, and shall cause the same to be published, and shall also make and promulgate general and special orders to said force.

Commissioner to make rules and regulations for government of force.

Section 6. Said Commissioner shall appoint some suitable person to act as secretary and property clerk, who shall give bonds to the City of Detroit in an amount and with sureties to be approved by said Commissioner, conditioned for the safe-keeping by him, and his rendition upon the order of said Commissioner, of all moneys and other property which shall come into his hands by virtue of his office. Said Commissioner shall fix the compensation of each of the officers and other employees authorized to be appointed by him.

Secretary and property clerk to be appointed.

Bonds.

Compensation of officers and employees.

Section 7. Said Commissioner shall assume and exercise the entire control of the police force of said city, and shall possess full power and authority over the organization, government, appointments and discipline within said city. He shall have the custody and control of all public property, books, records and equipments belonging to the Police Department, and shall have power to erect and maintain such lines of telegraph in such places within said city as for the purposes of police he shall deem necessary: Provided, That the cost thereof shall be mentioned in the annual estimate of such department and shall be approved by the Common Council and the Board of Estimates.

Commissioner to have entire control of police force.

Erect and maintain lines of telegraph.

Section 8. It shall be the duty of the Commissioner of Police and of the force hereby constituted, at all times of the day and night, within the boundaries of said city, to preserve the public peace and prevent crime, arrest offenders and protect rights of persons and property, guard the public health, preserve order and enforce all the laws of the State and the ordinances of said city. The Commissioner may designate a member of the force to perform the duties of Sealer of Weights and Measures, and also, if necessary, a member of the force as his assistant, and the persons so designated shall have exclusive power to perform said duties in said city, and shall, during the time they are directed to perform said duties, try, prove and seal all scales, beams, weights and measures used in said city for the purpose of buying and

Preserve public peace.

Member of force to perform duties of sealer of weights and measures.

Collection of license moneys.	selling, without giving any notice: Provided, The persons so designated shall not receive nor charge compensation or fee other than the regular salary paid from the police fund for performing said duties. The said Commissioner, through a proper officer to be designated by him, shall collect all license moneys under the laws of the State, the charter and ordinances of said city, and shall account for and pay the same to the officer authorized by law to receive them; the person designated shall have exclusive power to collect said moneys in said city. Said Commissioner
Member to perform duties of harbor master.	shall designate a member of the force to perform the duties of Harbor Master, and the person so designated shall have the exclusive power to perform said duties in said city under the ordinances which may, from time to time, be prescribed by the Common Council. Said Commissioner shall also appoint from time to time, as he may deem fit, one or more city scavengers, who shall have the exclusive power to perform the duties of
Commissioner may appoint city scavengers.	such employment in said city, and shall be liable to such penalties as are or may be prescribed by the ordinances, and who shall be entitled to receive such compensation and fees as the Common Council by ordinance shall prescribe. Said Commissioner shall audit and allow all bills for traveling expenses incurred in the pursuit of criminals, by members of the force, or any other officer or person, and present the same to the Board of County Auditors of Wayne County for payment, in all cases where criminals are charged with offenses in said city; and the said Board of Auditors shall in no way allow, or cause to be paid by said county, any bill or account for the pursuit or apprehension of criminals, charged with or suspected of the commission of crime in said city, unless the said bill or account is presented by said Commissioner of Police and endorsed as allowed by him. Said Commissioner shall cause nuisances existing in the public streets, roads, places, highways, yards and outhouses to be removed; he shall report all leaks and defects in water pipes and sewers and all defective and dangerous sidewalks to the proper authorities. He shall provide a proper force at every public fire to protect the firemen in the performance of their duties and to preserve property for the owners thereof. He shall protect strangers and travelers at steamboat landings and railway stations, and generally shall carry out and enforce all ordinances of the city and laws of the State. Whenever any crime shall be committed in said city, and the person or persons accused or suspected of
Compensation of scavengers.	
Commissioner to audit and allow bills.	
Remove nuisances.	
Provide force at fires.	
Protect strangers.	
Fugitives from justice.	

being guilty shall flee from justice, the said Commissioner of Police may authorize any person or persons to pursue and arrest such accused or suspected person or persons, and return him or them to the proper court having jurisdiction of the offense for trial.

Section 9. The qualifications, enumerations and distribution of duties and mode of trial and removal from office of each officer and member of said police force shall be particularly prescribed by rules and regulations of said Commissioner of Police, and no person shall be appointed to or hold office in the police force who is not a citizen of the City of Detroit, shall not have resided in the State of Michigan two years next preceding his appointment, who cannot read and write the English language, or who has ever been convicted of any crime: Provided, That no person, except the Superintendent, Deputy Superintendent, detectives, the attorney, the surgeon, secretary and property clerk, shall be removed from said force, except upon written charges preferred against him to the Commissioner of Police, and after opportunity of being heard in his defense; but the Commissioner or Police may suspend any member of the force pending the hearing of charges against him. Said Commissioner of Police may also at any time in his discretion, and without charges or trial, reduce any officer from his rank, grade and pay, to a lower rank and pay, and either permanently or temporarily promote any officer to his position without regard to the relative rank or grade of such other officer: Provided, Whenever any vacancy occurs in the office of Captain of Police, the same shall be filled from among the persons then in office as sergeants, roundsmen or patrolmen. The Commissioner of Police shall receive an annual salary, payable from the treasury of the City of Detroit, in monthly installments, of the sum of five thousand dollars per annum. All other salaries and compensations to the officers, appointees and employes of the department shall be prescribed and determined by the Commissioner of Police and shall be paid semi-monthly to the persons entitled thereto. No member of the police force shall receive or share in, under any pretenses whatever, any present, fee, gift or emolument for police services, other than the regular salary and pay provided by this section, except by the consent of said Commissioner of Police, and it shall be the duty of every member of said police force to return

Qualification, duties, etc., of officers.

Removals and suspensions.

Promotions.

Vacancies in office of captain.

Compensation of commissioner.

Compensation of officers, etc.

Members not to receive presents, fees, etc.

Idem, from
bail or
attorney.

Nor interested
in any manner
against
accused, etc.

Penalty.

Complaints
against
officers.

Trial of
accused.

to the property clerk, to be disposed of as hereinafter prescribed, every present, fee, gift or emolument received by him, except said Commissioner permits him to retain the same for his own use; and all moneys and proceeds of all property received from this source shall be disposed of by said Commissioner as if the same had been paid or given for extraordinary services, as prescribed in the eleventh section of this Act. Nor shall any member of said force receive or share in any fee, gift or reward from any person who may become bail for the appearance of any arrested, accused or convicted person, or who may become surety for any such person on appeal from the judgment or decision of any court or magistrate, or any fee, gift or reward in any case from any attorney-at-law who may prosecute or defend any person arrested or prosecuted for any offense within the County of Wayne; nor shall any member of said force, either directly or indirectly, interest himself in behalf of or interfere in any manner whatever against persons arrested or accused, excepting in the performance of the duties of his office; and for any violation of either of the foregoing provisions the members so offending shall be immediately removed from office.

Section 10. Any citizen of Detroit, or officer of the police force, with a view to the trial and suspension or removal from office of any officer or patrolman of the police force, may, on oath, in writing, prefer or make before the Commissioner of Police charges or complaints touching the character or competency, or affecting the acts, conduct or omissions of such officer or patrolman, or for violation of or misconduct as defined or prescribed by the rules and regulations of the Police Department; and said Commissioner of Police, after reasonable notice, in his discretion, to the person charged, shall proceed to the trial of said officer or policeman, on such charges or complaint, and shall have power to, and shall issue subpoenas, tested in the name of the Commissioner of Police, to compel the attendance of witness, to administer oaths and affirmations; and generally shall, for the purpose of such trial, have and exercise the powers and duties of justices of the peace in civil cases, so far as applicable, and may make an order of removal or suspension for some certain period, or may impose a fine, to be deducted from the pay of the officer accused. If on such trial such charges or complaints shall be sustained, such officer or policeman shall pay the costs of such

proceedings, and the same may be deducted and withheld from his pay, and in case of his suspension his pay shall also cease from the date of the charge and during the suspension. In trials under this section the same costs shall be charged and taxed as in trials before justices, and be collected on execution, as the case may be, from the court, or on execution to be issued by any justice of the peace, on certificate of the same by the board, and order for execution, said costs when collected to be paid to the said Commissioner of Police for the benefit of those concerned, but said Commissioner shall not tax or receive any fees for himself.

Costs, etc., of trial; how taxed and collected.

Section 11. All rewards, fees, proceeds of gifts and emoluments that may be allowed by the Commissioner of Police to be paid or given for and on account of extraordinary services of any member of the police force, and all moneys arising from the sale of unclaimed goods, shall be paid into the city treasury, and shall constitute a fund to be called the "Police Fund and Health Insurance Fund," and the person who shall from time to time fill the office of Commissioner of Police, and the person who shall from time to time fill the office of Controller of the City of Detroit, are hereby declared the Trustees of said fund, and may invest the same as they shall see fit, either in whole or in part, and shall have power to draw the same from the treasury for that purpose.

Rewards, fees, etc., to be paid into the city treasury.

Police and health insurance funds.

Section 12. Whenever any member of the police force, in actual performance of his duty, and in consequence of the performance of such duty, shall become bodily disabled, his necessary expenses, during the time his disabilities as aforesaid continue, and consequent thereof, may become a charge upon the fund provided for in the preceding section, at the discretion of the said Commissioner of Police and City Treasurer, who shall inquire into the circumstances, and if satisfied that the charge upon said fund is correct, may order the same to be paid by the draft of said Trustees upon said fund, each writing his signature thereto, but the provisions of this section shall not apply to special patrolmen (appointed) as hereinafter provided, at the request and expense of private parties.

Care of disabled members of force.

Section 13. The Commissioner of Police, the Superintendent, or Deputy Superintendent, or any member of such police force, having just cause to suspect any felony is being, or is about to

Powers and duties of the commissioner, superintendent, etc.

Members to
serve process
from
recorder's and
police courts.

Detention of
suspects.

Bond by
suspects.

City to be
divided into
precincts.

Stations.

be, committed within any building, public or private, or on any wharf or inclosure, or aboard of any ship, boat or vessel within said city, may enter the same at all hours of the day or night to take all necessary measures for the effectual prevention of all felonies, and may then and there take into custody all persons being concerned in such felony, and also may take charge of all property which he or they shall have then or there just cause to suspect to have been stolen. The members of such police force shall also serve and execute all process and subpoenas issued in the Recorder's Court and the Police Court of said city: Provided, That it shall be the duty of said Commissioner of Police, and of the officers of said police force, to cause to be brought before one of the police justices of the City of Detroit, at the Police Court of said city, every person arrested by any of the members of said police force on suspicion of felony, or for any other cause, within a reasonable time after such arrest, and such justice, on hearing the grounds of said charge may, by written order, remand such person to the custody of said police force for a period of twenty-four hours, and from time to time may renew such remand at intervals of twenty-four hours: Provided, however, That no such person shall be actually detained in prison more than ten days by such order: And provided further, That if such person shall furnish a bond in such amount and with such sureties as such police justice may order, conditioned that such suspected person shall appear in said Police Court on a day named, and from day to day thereafter, as such police justice may order, to answer to any charge that may be presented against him or her; then, on the furnishing of such bond, such suspected person shall be discharged from custody.

Section 15. It is hereby made the duty of the Commissioner of Police, for more effectually distributing and enforcing its police government and discipline, to divide the said City of Detroit into precincts, without regard to ward boundaries, and to assign Captains of Police, or other proper officer, to each of the said precincts, as he shall deem for the best interests of the said city. He may from time to time establish a station or sub-station in each precinct or division, for the accommodation of the police force on duty therein. It shall be the duty of the police force to respect and obey its Superintendent of Police as the head and the chief of the same, subject to the rules, regulations and general orders of said Commissioner of Police.

Section 16. The Commissioner of Police is hereby authorized to appoint persons of suitable character, who may be in the employment of the city and other departments, special policemen or patrolmen provided such special policemen shall not be paid for their services as policemen, either from the police fund or from the city or county treasury. Such policemen shall possess the same powers as the regular police patrolmen, but shall obey the rules and regulations of the Commissioner of Police, and conform to the general discipline. Said Commissioner shall also furnish, on request of the Corporation Counsel, one or more detectives, who shall be assigned to duty in connection with said department, and shall receive such salary as shall be fixed by said Commissioner of Police, payable from the police fund in bi-monthly installments.

Special policemen.

Powers of special policemen.

Detectives for corporation counsel.

Compensation of detectives.

Section 17. The Commissioner of Police, whenever it shall to him seem proper, may, on the application of any person or persons showing the necessity thereof, appoint and swear in any number of additional patrolmen, to do duty at any place within said city, at the charge and expense of the person or persons by whom the application shall be made; and the patrolman so appointed shall perform duty only at the place designated in such application, or by said Commissioner, and shall continue in office at the pleasure of said Commissioner, subject to and under the rules and regulations of said department, and shall conform to the general discipline of the force and such regulations as shall be made for their government. They shall wear such dress and emblems as the Commissioner shall prescribe, and shall possess as conservators of the peace all the powers and privileges and shall perform all the duties of the force herein prescribed: Provided, That no patrolman shall be appointed under this section until he shall have paid into the trust fund hereinbefore provided the sum of five dollars. The person so appointed may be removed at any time by the Commissioner of Police without cause assigned for the removal. The Commissioner of Police may also, upon any emergency, or mob, pestilence, invasion, or during any day of public election or celebration, appoint as many special patrolmen from among the citizens of Detroit as he may deem advisable for a specified time; and during the term of service of such special patrolmen they shall possess all the powers and privileges and perform all the duties of patrolmen

Additional patrolmen.

Dress and emblems of additional patrolmen.

Proviso.

Special patrolmen in cases of emergency, mob, etc.

Compensation
of special
patrolmen.

Proviso.

Duties of
policemen at
the polls on
election days.

of the force herein created, and shall receive such compensation, not exceeding three dollars per day, as said Commissioner may prescribe: Provided always, That nothing herein contained shall give said Commissioner or said patrolmen power to do anything in conflict with the powers of Inspectors of Election in said city: And provided further, That policemen stationed at the polls on election days shall perform all the duties of and be subject to all provisions of law relating to their attendance or to the attendance of constables at the polls on election days, and no constable in said city shall receive compensation for attendance upon the polls.

Resignations.

Section 18. No member of the police force, under penalty of forfeiting the pay which may be due to him, shall withdraw or resign from the police force unless he shall have given one week's notice thereof in writing to the Superintendent of Police; and no person who shall ever be removed from the police force established by this Act for cause shall be reappointed by the Commissioner of Police to any office in the police force.

Stolen money
to be deposited
with property
clerk.

Care of
property and
money.

Section 19. All stolen or other property seized officially by the members of the police force shall be deposited with the property clerk and kept in a place to be designated by said Commissioner of Police; and in case of neglect or refusal of any officer to so deposit the property taken or found in the possession of any person or persons arrested, he shall be guilty of a misdemeanor, and be subject to indictment, on information, and upon conviction be fined a sum not less than the value of the property, nor exceeding three thousand dollars, and be imprisoned not to exceed one year; and the sentence of the court shall vacate the office of the person so convicted. All property or money taken on suspicion of having been feloniously obtained, or of being the proceeds of crime, and for which there is no other claimant than the person for whom it was taken, and all lost property coming into the possession of any member of said police force, and all property and money taken from pawnbrokers, as the proceeds of crime, or by any such member from any insane or intoxicated person, or persons otherwise incapable of taking care of himself, shall be registered by the property clerk, in a book kept for that purpose, together with the name of the owner, if ascertained, and the name of the place where found, and of the

person from whom taken, with the general circumstances and the date of its receipt, the name of the officer recording same, and shall be advertised, if the owner's name is not ascertained, in such manner as the rules and regulations of the department shall prescribe. An inventory of the money or other property shall be given to the person from whom the same is taken; and in case the same shall not, within ten days of such arrest and seizure, be claimed by any other person or persons, it shall be delivered to the person from whom it was taken, and to no other person, except by order of the Commissioner. In case said money or other property shall, within said ten days, be claimed by any other person than the one from whom it shall be seized, it shall be retained by the property clerk until after the discharge or conviction of the person from whom the same was taken; and if the claimant or claimants shall establish to the satisfaction of the court before which the person from whom such money or property is taken that he or they are the rightful owners of the same, the same shall be restored to him or them upon the order of said court; but if the court makes no order, said property shall be returned to the accused personally. All property and money that shall remain in the custody of the property clerk for the period of six months, without any lawful claimant thereto, it(?) shall be put into the "Police Life and Insurance Fund," and the property shall be sold, after being advertised three times in some public newspaper in said city, and the proceeds paid to said fund. The Commissioner of Police shall cause to be kept general complaint books, in which shall be entered every complaint preferred upon personal knowledge of the circumstance thereof, with the name and residence of the complainant. Said Commissioner shall also cause to be kept books for the registry of loss, missing or stolen property for the general convenience of the public and the police force of the city. He shall also cause to be kept books of record, wherein shall be entered the name of every member of the police force, his time and place of nativity, the time and place wherein he became a citizen (if he was born out of the United States), his age, his former occupation, number of his family and the residence thereof, the date of his appointment and dismissal from office, with the cause of the latter; and in every such record sufficient space shall be left against all such entries, wherein to make record of the number of arrests of such members of the police

Unclaimed property and money, disposition of.

Complaint books.

Register of missing, or stolen property

Record of members of force.

Account
books.

force, or of any special service deemed meritorious by the Commissioner of Police. Said Commissioner shall also cause to be kept in proper books the accounts of the said department, and a record of its proceedings; and he shall preserve and file copies of all bills audited and allowed by him, and keep an accurate account of all of the expenses of the Police Department. He shall cause to be kept and bound all police returns and reports. Said Commissioner shall designate in public orders a time when, on at least two days in each week, for a period of at least three hours on each of said days, he will be at his office in the Central Station and accessible to all persons who may desire to confer with him or to make complaints touching the conduct of any member of said force; and it shall be his duty to attend at such time and to act upon such complaints within a reasonable time thereafter; and he shall direct the secretary to make proper records of such complaints and of his action thereon.

Office hours of
commissioner.

Station
houses.

Section 20. It shall be the duty of the Commissioner of Police to provide, at the expense of said city, all necessary accommodations within such precincts as shall be contained within the boundaries of said city, for the station houses required by the department for the accommodation of the police force of such precincts, for the lodging of vagrant and disorderly persons, and for the detention of persons arrested for offenses. It shall also be the duty of said Commissioner of Police to furnish the same suitably, and to warm and light the same by day and night and provide food for any person or persons detained in any of the said station houses, when such food is deemed necessary for such person or persons by the officers in charge; and in every case of arrest the same shall be made known to the Captain or Sergeant on duty in the precinct wherein such arrest is made, by the person making the same; and it shall be the duty of said Captain or Sergeant, as soon as practicable after such notice, to make written return thereof, according to the rules and regulations of the department, together with the name of the party arrested, the offense and place of arrest and the place of detention. All persons arrested by the officers or members of the police force shall be detained, while in their custody, only in the places provided for that purpose, and no trial or examination of any person arrested shall be held in the office of the Superintendent of Police or of the Commissioner of Police. Necessary

Care of persons
detained in
station
houses.

Report of
arrests.

and usual articles of clothing, or personal apparel upon the person, or in the possession of persons arrested and detained, shall not be taken or seized by the police, unless there be reason to suspect that the clothing has been stolen or obtained unlawfully. The Commissioner of Police shall provide suitable accommodations in said city for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings, and such accommodations shall be in places other than those for the confinement of persons charged with crime, fraud, or disorderly conduct; and it shall be the duty of all magistrates, in committing witnesses, to have regard to the rules and regulations of the Police Department in respect to their detention. Every person arrested by the police, charged with the violation of the city ordinances, shall be entitled to give special bail for his appearance to answer to such charge, but no member of the police force shall become or furnish bail for any person arrested.

Necessary clothing, etc., not liable to seizure.

Detention of witnesses.

Bail.

Section 22. It shall be the duty of the Commissioner of Police to prepare and submit to the City Controller, on or before the fifteenth day of February in each year, an estimate of the whole cost and expense of providing for and maintaining the Police Department of the said city through the next ensuing fiscal year, which estimate shall, so far as practicable, be in detail, and shall be made by the Controller before the Common Council at the annual estimate; such estimate, or so much thereof as the Council shall approve, shall be submitted by the Common Council to the Board of Estimates of said city, and so much of the total amount thereof as shall be approved by the Board of Estimates shall be provided for in the general tax assessment by levy to be made on said city, and collected with the other city taxes; said money when collected shall be paid into the city treasury and shall be styled the police fund: Provided, however, That the Common Council shall have power to apply and credit the whole or any portion, of the money received from the liquor taxes to the police fund, in lieu of raising that portion of the appropriation by general taxation. The amount of the estimate not approved by the Council or Board of Estimates shall be deducted from the total amount thereof.

Commissioner to submit estimates.

Section 23. All bills, accounts and claims of every character against the police fund shall, after having been duly audited by the Commissioner of Police, and certified by him and by the sec-

Bills, accounts and claims, how audited and paid.

retary of said department, be transmitted to the Controller, who shall submit the same to the Common Council with his approval or disapproval. When said bills, accounts and claims shall have been allowed by the Common Council, the Controller shall draw his warrant or warrants on the City Treasurer in payment therefor: Provided however, That no bill, account or claim against the police fund shall be allowed by the Commissioner unless the same shall be accompanied by an affidavit of the person rendering it, that he verily believes that the services or property therein charged have been actually performed or delivered to the city; that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no offset exists or payment has been made on account thereof, excepting as are included or referred to in such bill, account or claim. The Commissioner of Police and Secretary of such department shall certify to the Controller all pay rolls of the department allowed by said Commissioner, and the City Controller shall draw his warrant on the City Treasurer for the amount thereof, and shall transmit said rolls to said City Treasurer, together with such warrant, and the City Treasurer shall pay to the several persons named in said roll the amount due to them and named in said roll.

Pay Rolls.

Expenses, what
may be
incurred.

Section 24. No expenses other than the salaries, or as otherwise provided for herein, shall be incurred by the Police Department, except for rents, books, stationery, printing, telegraphing, badges, clubs, furniture of necessary rooms, stations and offices, preservation, repairs and cleaning of the buildings and rooms used by said police force, advertising, lights, fuel, board of prisoners and witnesses, and for the arrest, conveyance and custody of prisoners and witnesses and preservation of the discipline and good order of the force, together with all the expenses which are actually necessary to perform all the duties and exercise all the powers by this Act enjoined upon said Police Department and granted to it, unless the same shall be expressly authorized and provision made therefor as a city charge by the Common Council of said city. The books and accounts kept by said Commissioner of Police shall at all times be subject to the inspection of the Mayor and Controller, or either of them; and the Common Council may at any time acquire information respecting the same, the disclosure of which shall not impair the usefulness or efficiency of the force.

Books and
accounts
subject to
inspection of
mayor or
controller.

Section 25. The Commissioner of Police shall, when consistent with the requirements of this Act, furnish all information desired and comply with all requests made by the Common Council of said city, or by the mayor thereof, to quell riots, suppress insurrections, protect the property and preserve the public tranquility. The secretary shall have power to issue subpoenas, when directed by the Commissioner and attested in his name, to compel the attendance before said Commissioner of witnesses upon any proceeding authorized by the general rules and regulations, or upon the hearing of complaints. The Commissioner of Police, the Superintendent and the Secretary are hereby given power to administer, take, receive and subscribe all affirmations and oaths to any witnesses summoned and appearing in any matter, proceeding, or hearing as aforesaid, or to any depositions necessary under the general rules or regulations of the department. Any wilful and corrupt false swearing by any witness or any person making deposition before any of the officers last mentioned, to any material fact in any necessary proceedings under said rules and regulations shall be deemed perjury and punished in the manner now prescribed by law for such offense. The provisions of law now existing in respect to the attachment of witnesses before justices of the peace and for the compulsory attendance of said witnesses for the purpose of testifying before them are hereby applied to the case of witnesses subpoenaed before the Commissioner of Police.

Duties of commissioner.

Secretary may issue subpoenas for witnesses.

Oaths and affirmations may be taken, etc., by commissioner, superintendent and secretary.

False swearing deemed perjury.

Penalty for.

Attachment of witnesses.

Section 26. The Commissioner of Police shall require and make suitable provisions concerning security to be entered into by the Superintendent, Deputy Superintendent, the Captains of Police, and the Property Clerk, and he may in his discretion require security from any member of the force conditioned for the performance of any duty involving the care and disposition of any money or property. Said Commissioner may require each member of the force to take the constitutional oath of office, and the registry of the certificate thereof in a book to be kept for the purpose, which oath may be taken before said Commissioner or Superintendent, or Secretary, who is hereby empowered to administer the same.

Security of certain officers.

Constitutional oath of office.

Section 27. The Superintendent of Police shall make to the Commissioner of Police quarterly reports in writing of the state of the police force, with such statistics and suggestions as he may

Quarterly reports of superintendent.

Annual report of commissioner. deem advisable for the enforcement of the police government and discipline. The Commissioner of Police shall, on or before the first Monday in April of each year, report in writing the condition of the force within the said city to the Common Council.

Removal of commissioner. Section 30. The Commissioner of Police may at any time be removed by the Governor under the provisions of statutes relating to the removal from office of sheriffs, which provisions are hereby extended so as to relate to said Commissioner; and in all cases where charges are made against the Commissioner, he shall have an opportunity to present evidence in his behalf and be heard in person or by counsel.

Commissioner or members of force not to hold elective office. Section 31. If said Commissioner or any member of the police force, during his term of office, accept or hold any office elective by the people, or any other appointive office, or shall, during his term of office, be publicly nominated for any office, elective by the people, and shall not, within ten days succeeding the same, publicly decline the said nomination or appointment, he shall, in either case, be deemed thereby to have resigned his commission, and to have vacated his office.

Must decline nomination, or be deemed to have resigned.

Duties of superintendent and others. Section 33. The Superintendent, Deputy Superintendent, and all members of said force, shall be subject to the control and direction of the Commissioner, and shall perform such duties and have charge of such details as the Commissioner shall prescribe. In the absence of the Superintendent, the Deputy Superintendent shall have and exercise all the powers conferred by this Act on the Superintendent, and shall be subject to removal in the same manner as the Superintendent. The Commissioner of Police shall perform the duties required by the President of the Board of Police Commissioners to be performed in an act providing for pensioning the widows and orphans of the members of the police force of the City of Detroit, approved June twenty-third, A. D. eighteen hundred ninety-one. The Commissioner of Police shall be a member of the Board of Estimates of said city. The said Commissioner shall have the power, under this act, to change the titles of the several officers appointed by him, and to designate thereby such titles as he shall see fit.

Commissioner to be member of board of estimates.

This Act is ordered to take immediate effect.

House: enrolled No. 256. Approved May 4, 1901. amending Sections 541, 542, 545, 546, 547, 548, 549, 550, 551, 552, 553, 555, 556, 557, 558, 559, 560, 562, 563, 564, 565, 566, 567, 570 and 573 of "Charter and Laws" of 1896.

AN ACT

To amend Sections one and five of Act number three hundred seventy-two of the Local Acts of eighteen hundred ninety-three, entitled "An Act to provide for placing on the retired list on reduced pay members of the Metropolitan Police Force of the City of Detroit, who shall have become disabled or incapacitated while in active performance of official duty, and members of said force and persons in the employ of the Police Board of the City of Detroit who after twenty-five years of faithful continuous service shall have become permanently incapacitated from performing regular or active duty," as amended by Act number four hundred forty of the Local Acts of eighteen hundred ninety-five, approved May twenty-fourth, eighteen hundred ninety-five.

Section 1. The People of the State of Michigan enact: That Sections one and five of Act number three hundred seventy-two of the Local Acts of eighteen hundred ninety-three, entitled "An Act to provide for placing on the retired list on reduced pay members of the Metropolitan Police Force of the City of Detroit, who shall have become disabled or incapacitated while in active performance of official duty, and members of said force and persons in the employ of the Police Board of the City of Detroit, who, after twenty-five years of faithful continuous service, shall have become permanently incapacitated from performing regular or active duty," as amended by Act number four hundred forty of the Local Acts of eighteen hundred ninety-five, approved May twenty-fourth, eighteen hundred ninety-five, be and the same are hereby amended so as to read as follows:

Section 1. Whenever a member of the Metropolitan Police Force of the City of Detroit shall have become disabled or incapacitated while in the active performance of official duty, and, whenever any member of said force, who has performed faithful service as such member for a period of not less than twenty-five years, shall have become permanently incapacitated from performing such regular active duty, he may be retired by the Commissioner of Police from regular active service, and placed upon

To place
police officers
on retired list.
Eligibility.

the retired list, and when so retired shall be paid annually four hundred and eighty dollars in equal monthly payments of forty dollars, if the surgeon of said force or some other competent physician, authorized by said Commissioner of Police and acting in the premises, shall certify to said Commissioner in writing that such officer is permanently, physically or mentally incapacitated from regular active duty, which finding shall be approved by said Commissioner, and duly recorded: Provided, That no member of said force shall be so retired until he has been duly notified by said Commissioner of his intention to so retire him, and he has had opportunity of being heard in opposition thereto: And provided further, That any member of said force deeming himself entitled to the benefits of this act, may make a written application to said Commissioner for such benefits, and it shall be the duty of said Commissioner to hear and determine such application.

Rewards, etc.
How to be
disposed of.

Section 5. All rewards and proceeds of gifts and emoluments that may be allowed by the Commissioner of Police to be given or paid on account of extraordinary services of members of the police force, all unclaimed money, proceeds arising from the sale of unclaimed property, all fines imposed by the Commissioner of Police upon members of the force for violation of rules, and the money now in the Police Life and Health Insurance Fund, which is hereby transferred, and one per cent of the salaries of all members of the Metropolitan Police Force, shall be paid into the Detroit City Treasury, and used for the payment of salaries provided for in this Act. Any additional moneys needed for the payment of persons on the retired list shall be estimated for, and raised by taxation, in the same manner as the other expenses of maintaining the police force of the City of Detroit: Provided, That said one per cent of the salaries of all members of said police force shall be deducted from such salaries from and after the first day of July, A. D. nineteen hundred one, but no part of such sums shall be used or paid for the purpose of this act until the beginning of the fiscal year, commencing July first, A. D. nineteen hundred two.

This act is ordered to take effect June first, nineteen hundred one.

Senate enrolled No. 129, approved June 6, 1901.

AN ACT

To establish and provide Justices' Courts in the City of Detroit, and to repeal Act number four hundred and sixty of the Local Acts of eighteen hundred and ninety-five, entitled "An Act to establish and provide Justices' Courts in the City of Detroit," and to repeal Act number two hundred and eighty of the Local Acts of eighteen hundred and eighty-three, entitled "An Act relative to Justices' Courts in the City of Detroit," approved April twenty-fifth, eighteen hundred and eighty-three, and all Acts amendatory thereof.

The People of the State of Michigan enact:

Section 1. That there shall be four Justices of the Peace in and for the City of Detroit, who shall be elected at the regular charter election of said city, or at any general election held therein, in the same manner, possess the same jurisdiction, powers, duties, and liabilities, as Justices of the Peace for townships, excepting as otherwise provided by law. Each of said Justices of the Peace shall hold his office for the term of four years, commencing on and after the fourth day of July succeeding his election. The four Justices of the Peace heretofore elected in accordance with the provisions of an Act entitled "An Act to establish and provide Justices' Courts in the City of Detroit," and to repeal Act number two hundred and eighty of the Local Acts of eighteen hundred and eighty-three, entitled "An Act relative to Justices' Courts in the City of Detroit," approved April twenty-fifth, eighteen hundred and eighty-three, and all acts amendatory thereof, approved June first, eighteen hundred and ninety-five, shall be and continue to act as Justices of the Peace under the provision of this Act until the expiration of their respective terms of office. At the general election held in November in each year preceding the expiration of the term of office of

Number and election of justices.

Powers and duties of.

Term of office.

Files, records,
etc.

each of said four Justices of the Peace, a successor of said Justice of the Peace shall be elected, whose term of office shall commence on the fourth day of July next succeeding his election, and who shall hold his office for a term of four years. The files, records and dockets belonging or appertaining to the offices of Justices of the Peace now in office, and all files, records and dockets hereafter appertaining to such offices shall be filed and safely kept in the office of the Clerk of said Justices' Courts hereinafter mentioned.

Court and jury
rooms and
clerk's office.

Section 2. The Auditors of the County of Wayne shall provide suitable rooms for the accommodation of said Justices of the Peace, and also an office for the clerks hereinafter mentioned, also such jury rooms as may be necessary, which offices and rooms shall be as nearly contiguous to each other as in the discretion of said Auditors, and the convenient dispatch of the business of said courts requires. Said Auditors shall also provide necessary dockets, books, including the Michigan Reports, blanks, stationery, furniture and fuel, for the use of said justices and clerks.

Dockets, books,
etc.

Jurisdiction.

Section 3. Each of the said Justices of the Peace elected in the said City of Detroit, and duly qualified according to law, shall have original jurisdiction of all civil actions wherein the debt or damages do not exceed the sum of one hundred dollars; and concurrent jurisdiction in all civil actions ex-contractu and ex-delicto wherein the debt or damages, or the property involved does not exceed the sum of five hundred dollars, except as provided in section seven hundred and four of the Compiled Laws of Michigan, A. D. eighteen hundred ninety-seven.

Idem.

Section 4. The said Justices of the Peace of the City of Detroit, as against all other justices of the peace, shall have exclusive jurisdiction of all actions and proceedings within their jurisdiction where both of the parties thereto shall, at the time of the commencement of such action, or proceeding, be residents of said city. They shall also have a like exclusive jurisdiction where the original cause of action existed in favor of a resident of said city, but has been by him assigned. They shall also have jurisdiction in all cases where either or any of the parties reside in said city.

Section 5. Each of said Justices of the Peace shall receive from the Treasurer of the County of Wayne an annual salary of two thousand dollars, payable in monthly installments on the certificate of the Board of Auditors of the County of Wayne.

Salary of
Justices.

Section 6. This Act shall in no way affect the fees to which said Justices of the Peace shall be entitled on the performance of marriage ceremonies, taking acknowledgments and in administering oaths in matters not connected in any litigation in the said Justices' Courts.

Fees.

Section 7. When this Act takes effect, the Justice of the Peace whose term of office soonest expires, shall be designated the Presiding Justice of the Peace, before whom all writs and process by which suits shall be commenced in said Justices' Courts, shall be made returnable, and the proceedings in such cases shall be had and taken before such Presiding Justice of the Peace up to and including the joining of an issue of law or fact therein, when the cause in which issue is so joined shall be assigned by the Presiding Justice of the Peace to one of the other Justices of the Peace for trial and final determination. In all cases where no issue is joined the Presiding Justice shall dispose of the case as provided by statute. The Presiding Justice of the Peace may assign such cases for hearing and trial before himself as he may deem advisable.

Presiding
Justice of the
Peace.

Writs to be
returnable
before presid-
ing Justice.

Proceedings up
to joining of
an issue.

Assignment of
cases.

Section 8. Said Presiding Justice of the Peace shall occupy the position of Presiding Justice three months in succession, when the Justice of the Peace whose term of office next soonest expires shall succeed and act as such Presiding Justice of the Peace for the same length of time. The other Justices of the Peace shall follow in the occupancy of such position in the same order of succession, each filling the position three months each year. In case of the illness or absence of the Presiding Justice of the Peace, it shall be the duty of the next Justice of the Peace present in the order of the expiration of his term of office, to act as such Presiding Justice during the time of the absence of the Presiding Justice of the Peace or during his inability to preside as such, and he shall possess the same powers and jurisdiction while so acting as the Presiding Justice himself possesses.

Presiding
Justice to act
for 3 months.

Who to
succeed.

When court
rooms to be
open.

Section 9. Each of said Justices shall have his court room open and he shall be in attendance at the duties of his office therein, from nine o'clock in the forenoon, city time, until twelve o'clock noon, and from two o'clock until four o'clock in the afternoon:

Idem, when
engaged in
trial.

Provided, That where either one of said Justices is actually engaged in the trial of the suit he shall so continue at least until five o'clock in the afternoon, when it shall be necessary so to do in order to finish the trial of said suit:

Absences of
justice.

Provided further, That in all cases where a Justice is absent from duty for more than one day in succession without the consent of the Wayne County Board of County Auditors he shall not receive pay during such absences.

Clerk.

Clerk's office,
when to be
open.

How
appointed.

Section 10. There shall be one clerk for said Justices, who shall be known as the Clerk of the Justices' Courts for Detroit. The office of said clerk shall be open continuously from eight-thirty o'clock in the morning, city time, until four-thirty o'clock in the afternoon, each day, excepting legal holidays. He shall be appointed by the Board of Auditors for the County of Wayne forthwith upon the making and filing with them the written recommendation of the majority of said Justices holding office on or before December thirty-first of each year. If for any reason such recommendation be not made and filed by the said date then the said Auditors shall make such appointment on their own motion. The term of office of said clerk shall be one year, to commence on the first day of January. He shall receive from the Treasurer of Wayne County an annual salary of fifteen hundred dollars, payable in monthly installments on the certificate of said Auditors of Wayne County.

Term of office.

Salary.

Bond of clerk.

Section 11. Before entering upon the duties of his office the said clerk shall file in the office of the Clerk of Wayne County a bond in the penal sum of five thousand dollars, with two or more sufficient sureties to be approved by the said Auditors of Wayne County, conditioned that the said clerk shall faithfully and properly perform the duties of his said office, and that he shall well and truly pay to the Treasurer of Wayne County all moneys received by him or by his deputies under him, as Clerk of said Justices' Courts, for the use of said county, and that he shall well and truly pay to the persons entitled thereto all moneys paid

Section 12. It shall be the duty of said clerk to keep a true and complete record of all proceedings before each of said Justices, and to enter all judgments in the docket of the Justice rendering the same in the time and the manner prescribed by law, which judgment shall be signed by the Justice by whom it was rendered, and such records shall be hereafter indexed in the proper book to be kept for that purpose, which said index shall be kept both as to plaintiffs and defendants. He shall keep true and correct accounts of all moneys received by him or his deputies, as court fees for the use of Wayne County, or for any other purpose, and shall properly account for and pay over the same to the party entitled thereto. He shall also file and safely keep all papers and books belonging and appertaining to the said Justices' Courts, none of which shall be removed from said office without the authority in writing of the Justice to whom the cause is assigned, or the clerk of said court, nor unless proper receipts be given therefor. The said clerk shall also enter in a book provided for the purpose a list of all jurors that sit in trial of cases in said Justices' Courts, together with the date or dates and the time during which said jurors served, with a reference to the page of the docket containing the record of the cause in which said juror served. He shall make all original writs and process by which suits are commenced returnable before the Presiding Justice at nine o'clock in the morning, city time, and it shall not be necessary for the said Justice to wait any length of time after nine o'clock to dispose of the cases pending before him either by accepting appeal, adjourning the same, entering judgment in the same, dismissing the same or otherwise. Said clerk shall receive all costs, fines and dues of every description which are provided by law in all proceedings in said Justices' Courts, and shall pay the same weekly to the Treasurer of Wayne County, and shall take his receipt therefor. All moneys paid under judgments rendered by said Justices, and all moneys paid under garnishments in said Justices' courts shall be paid to said clerk, or his deputy or deputies by him authorized to receive the same. Said clerk shall have power generally to administer oaths and to take affidavits.

May administer oaths.

Clerk may appoint deputies.

How appointments to be made and filed.

Duties of deputy clerks.

Chief deputy clerk;

salary of.

Salaries of other deputy clerks.

Book for presiding justice.

How books to be ruled.

Cases to be numbered.

Docket.

Section 13. Said clerk shall have and is hereby given the power and authority to appoint a sufficient number of deputies, whose term of office shall commence on the first of January each year, to properly execute the work of said office, and said appointment shall not be for a longer time than his term of office, and shall be subject to revocation at any time, for cause, by said clerk. Appointments and revocation of appointment of such deputies shall be made by the certificate of said clerk filed with the Auditors of Wayne County, and such certificates shall be notices of the appointment or revocation as the case may be, and the appointment or revocation shall be operative from the time of the filing of such certificate, and the said Board of Auditors shall cause payment of salary to such deputies accordingly. The said deputy clerks shall be under the control and direction of the said clerk, and shall perform such duties as he shall direct, and shall have authority to administer oaths, take affidavits, and perform generally the duties of said clerk. Each of said deputies shall, if required by said clerk, furnish a good and sufficient bond for the faithful discharge of his duties, with surety or sureties in such amount and with such conditions as said clerk may prescribe. One of said deputy clerks shall be designated by said clerk as chief deputy, and shall receive a salary of twelve hundred dollars per annum. The other deputies shall each receive a salary of one thousand dollars per annum. Said salaries shall be paid in monthly installments by the Treasurer of Wayne County upon the certificate of the Auditors of said county.

Section 14. The clerk of said Justices' Courts shall provide a book for the use of the Presiding Justice in which shall be entered all cases commenced in said court, numbering such cases consecutively in the order of their commencement, which number shall be known as the case number. Such books shall be appropriately ruled for such entries as may be necessary to be made therein. Upon the assignment of a case by the Presiding Justice for hearing or trial, said cause shall be entered upon the docket of the Justice to whom it is assigned, and be given a number to be known as the docket or file number. All the proceedings in said cause from the issuing and service of the process commencing suit therein up to the rendition of judgment and the satisfaction thereof, shall be entered in said docket and the said

docket shall be signed by the Justice before whom the cause is tried and judgment rendered. Said clerk shall also provide a book in which a record shall be kept of all cases that are discontinued, dismissed, settled or otherwise disposed of before an issue has been joined in the cause.

Record of cases discontinued, etc., before issue joined.

Section 15. Executions for the collection of judgments rendered in said Justices' Courts shall be signed by the Justice by and before whom the cause was tried. In the absence of the Justice before whom the cause was tried, or his inability for any cause, to sign the same, the Presiding Justice, or the Justice acting as such, shall sign the said execution.

Executions.

Section 16. Before any civil action or proceeding, except proceedings in garnishment, shall be commenced in said Justices' Courts, there shall be paid to the clerk of said court by the party bringing the action, the sum of fifty cents and the fees of the officer for service of the writ or process by which such action is commenced, and before the trial of such action or proceeding shall be commenced, the further sum of fifty cents; but in cases of non-suit no judgment fee shall be required, and proceedings in garnishment shall be treated as part of the principal case, except garnishment proceedings commenced upon judgment rendered prior thereto, in which cases an entry fee and trial fee shall be paid as in other actions, and no additional fee shall be charged therefor and up to and including the entry fee of judgment therein. The fees paid to the clerk for service of such writ or process by which the action is commenced, shall be retained by said clerk until the writ or process has been returned duly served or said cause is brought to issue, when the said fee or fees shall be paid by said clerk to the officer making the service, taking his receipt therefor and placing the same in the files in said cause: Provided, That if it appear by the files in said case that no service has been had three months after the date of the writ then the officer's fees which have been paid into the court shall be returned by the clerk to the plaintiff in the suit.

Fees in garnishment.

Proceedings in garnishment, how treated.

Entry and trial fees.

Clerk to pay fees to officer.

When officer's fees to be returned to plaintiff.

Section 17. If any person shall satisfy one of said Justices by affidavit that he has a good meritorious cause of action for personal services against another within the jurisdiction of said courts, and that he has made personal demand of payment thereof of the debtor and that such payment has been refused, and that

When case may be commenced without payment of court fees.

he is financially unable to pay the court costs, and shall also state the name and residence of the debtor, and the amount due over and above all legal setoffs, the Justice to whom such affidavit is presented may in his discretion endorse on such affidavit directions to the said clerk to cause to be issued the proper writ in the case returnable before the Presiding Justice as in other cases, without charge for court fees for the commencement or trial of said cause. If the plaintiff in such case recover judgment he shall be entitled to recover his costs therein. The usual court fees, however, shall also be taxed against the defendant, but in favor of Wayne County. If the defendant obtain judgment in such cause the said court fees shall in like manner and for the like purpose be taxed against the plaintiff. Nothing herein contained shall be so construed as to prevent the Circuit Court for the County of Wayne, on an appeal of any such cause, to require the plaintiff therein to give security in said court for costs as in other cases.

Costs may be recovered in such case, but shall be taxed in favor of Wayne County.

Service of summons.

Section 18. The service of a summons under this Act may be made in the manner prescribed in Section fourteen of Act number one hundred and ninety-one of the Public Acts of eighteen hundred and seventy-nine, being Section seven hundred and sixteen of the Compiled Laws of eighteen hundred and ninety-seven.

Fees of constable and other officers.

Section 19. Constables and other officers serving writs or process issued out of said Justices' Courts shall be entitled to receive for the service of such writs or process within the corporate limits of the City of Detroit the following fees: For the service of a summons by which suit is commenced, seventy-five cents for each defendant served; for the service of a writ of attachment, or a writ of replevin, two dollars; for the service of such process, outside said city limits, the officer shall be entitled to receive in addition to the above compensation, mileage fees according to the statute regulating such fees, to be computed from the place of service to the corporate limits of the City of Detroit. The above fees shall be in full for all services rendered by the officer or his assistants, and it shall be unlawful in any case for the officer or his assistants to demand or receive any compensation whatsoever in addition to the fees above set forth. For the service of other process or the performance of other

duties, the fees therefor shall be regulated according to the general statutes providing therefor. Except as herein otherwise provided, this Act shall in no way affect the fees to which constables are entitled, or the present method of paying them.

Section 20. If, upon the assignment of a cause (case) or upon the adjourned day thereof, the parties to whom the cause (case) may have been assigned shall be absent, the next Justice present, in the regular order of precedence as Presiding Justice, shall have the same jurisdiction to proceed therein as if the cause (case) had been originally assigned to him, and if such succeeding Justice be engaged, then the next Justice in regular order, not engaged in the trial of a cause (case), shall proceed therein, and the record thereof shall be entered in the docket of the Justice to whom the cause (case) was assigned for hearing or trial in the first instance.

Before whom cases shall be tried.

Section 21. The Board of Jury Commissioners, as created by Act number two hundred and four of the Public Acts of eighteen hundred and ninety-three, shall annually or whenever required by the Senior Justice in accordance with the method required by that Act, select persons to serve as jurors for the trial of cases, matters and proceedings in said Justices' Courts, and shall file a list of the persons so selected with the clerk of said Justices' Courts. The number to be selected on the third Monday of May of each year as provided by said Act, shall be three hundred. After the filing of such list the proceedings for selection, summoning and compelling the attendance of jurors and talesmen shall be, as far as practicable, the same as provided by law for like purposes as in the Circuit Court for Wayne County, except that the attendance of the Sheriff shall not be required. Jurors shall be drawn and summoned for a term of two months, which shall be the calendar month next succeeding such drawing. Not less than eighteen nor more than thirty-six jurors shall be drawn and summoned for a term unless for a special reason the Presiding Justice shall in writing direct that a greater number shall be drawn and summoned. The persons so drawn shall be notified in writing of their liability to jury duty in the Justices' Courts for the calendar month to be specified, which notice shall be served personally, if practicable, upon each person so drawn, by the Sheriff in the manner now provided by law, and a return in

Selection of jurors.

Jurors summoned for two months.

Jurors to be notified.

Attendance of juror may be required.

Compensation of jurors.

writing of the time and manner of such service shall be made and filed with the clerk of said Justices' Courts. Said jurors shall report for service to the Presiding Justice. The actual attendance of the persons duly notified for jury service may be required and enforced according to law. The persons so serving as jurors shall be entitled to receive from the County of Wayne the sum of two dollars and fifty cents each for each day's actual attendance, which sum shall be paid by the County Auditors on certificate of the clerk of said Justices' Courts. Wherever by law a judge of the Circuit Court for Wayne County is required or directed to be present at or to participate in any part of the proceedings to select jurors for that court, the Presiding Justice or Acting Presiding Justice of said Justices' Courts shall perform like duty in like proceedings to select jurors for said Justices' Courts.

Jury to be composed of six persons.

Challenges.

Jury fee.

Section 22. Juries in said Justices' Courts shall be composed of six persons, who shall be residents of said City of Detroit, and shall severally possess the lawful qualifications of jurors in the Circuit Court of Wayne County, and any challenge, which would be valid in said Circuit Court, shall be valid and sufficient if made in the said Justices' Courts: Provided, however, That but two peremptory challenges shall be allowed to the plaintiff, and the like number to the defendant in all trials in said Justices' Courts. If any party demand a jury in any action in said Justices' Courts he shall advance to the clerk the sum of five dollars as jury fee, and the same shall belong to the County of Wayne, and shall be turned over by said clerk in the same manner as is required in the case of other moneys received by him.

Jury to determine questions of fact.

Justice to instruct jury as to questions of law.

When justice may direct a verdict.

Section 23. The jury empaneled in any cause as herein provided shall determine any and all questions of fact in such cases, but it shall be the duty of the Justice hearing such cause to decide all questions of law arising therein, and it shall also be the duty of the said Justice to instruct the jury as to the question of law applicable to the case. If it shall appear in such trial that either party is entitled to a verdict as a matter of law, and that no question of fact exists requiring the determination of said jury, then said Justice shall direct a verdict accordingly.

Justice may set aside verdict.

Section 24. The Justice before whom any cause has been tried and verdict or judgment rendered shall have the same power and authority to set aside the verdict or judgment and

grant a new trial therein upon legal cause shown therefor, as the Circuit Courts of the State possess: Provided, That a motion in writing be made and filed with the clerk of said Justices' Courts within five days after the rendition of the verdict or judgment in said cause. Said motion shall briefly and plainly set forth the reasons and grounds upon which it is made. Affidavits upon which the motion is founded shall also be filed at the same time of filing said motion, and notice of the hearing of such motion, with copy of the motion and affidavits filed as aforesaid, shall be served upon the adverse party, or his attorney at least two days before the hearing thereof. Such motion shall be determined within two days after the same shall have been heard and submitted, and such motion shall be submitted within one week after the same shall have been filed. The time for taking an appeal from judgment in case such motion be not granted, shall begin to run from the time when such motion shall be overruled. In no case shall the pendency of such motion stay the issuing and levy of an execution in such cause; but in case of a levy under execution pending such motion, no sale of the property so levied on shall be advertised or made until the final determination of such motion.

Motion to set aside verdict, to be in writing.

Affidavits to be filed.

When motion to be determined.

Appeal, time for taking.

Motion not to stay issue of execution.

Sale not to be advertised until motion determined.

Section 25. No appeal shall be taken from any judgment of any Justice of the Peace in said City of Detroit, except in the following cases:

Appeals; how and when taken.

First. When said Justice shall disallow any claim in favor of any plaintiff or defendant in any cause in said Justices' Courts, in whole or in part, to the amount of fifty dollars;

Second. When such Justice shall render a judgment to the amount of fifty dollars exclusive of costs; in either of which cases the party aggrieved may appeal;

Third. Appeals may be authorized by the Circuit Court of the County of Wayne, when the party making the appeal has been prevented from making a defence upon the merits of the cause in which such appeal is taken by circumstances not under his control; and such appeal may also be authorized when justice requires that such appeal should be authorized, and in all cases where the parties against whom such appeal is sought has appeared in said Justices' Courts by an attorney or agent it will

be sufficient to serve such attorney or agent with the notices of all subsequent proceedings in such cause and all orders made therein by said Circuit Court may be served on said attorney or agent, and such service shall have the same effect as though made on the party against whom such appeal is taken:

Fourth. Under absolutely no circumstances shall any appeal be allowed or authorized after five days from the rendition of judgment except as herein otherwise provided.

Entry fee on appeal.

Section 26. Before any affidavit for appeal, or writ of certiorari, shall be served on any one of said Justices, in addition to the fees allowed by law for making returns to an appeal or certiorari, the entry fee on filing the same in the Circuit Court shall be paid to the said clerk by the appellant, or plaintiff in error, and the said clerk shall as early as possible file and return to such an appeal or writ of certiorari, in the office of the Clerk of Wayne County, and shall pay over to him the fees so advanced to him as aforesaid, and if said return is not filed with the clerk of the Circuit Court within ten days after the appeal costs or costs on certiorari shall have been paid writ of mandamus may issue to the clerk of the Justices' Court compelling him to make such appeal forthwith and he shall be personally liable for the costs if any shall be awarded in such proceeding.

Fees paid to clerk; use of.

Section 27. The money paid to the said clerk of the Justices' Courts upon commencement of suit, for trial fees, jury fees, and for fees for making returns to appeal or writ of certiorari and entry fee for filing same shall be for the use of the county, and shall be held to be in full of all fees in civil actions from the commencement thereof to and including the issuing of execution thereon. The sum or sums so paid, including the jury fees, shall be taxed as costs of suit in favor of the party paying the same, if he be the prevailing party in the suit, in addition to any other costs to which he may be entitled by law. In criminal cases the same costs shall be paid and in the same manner as in proceedings before justices of the peace in townships, except that the same shall be paid to the said clerk as in civil cases is provided.

Fees paid; how taxed as costs.

Costs in criminal cases.

Bonds or deposit of legal tender funds.

Section 28. In all cases when a party is required by law to give a bond, as a condition of commencing or prosecuting any suit, action or proceeding in said Justices' Courts such party may execute and file such bond, or he may in the discretion of the

court deposit with the clerk thereof, the amount of the bond required in legal tender funds of the United States. A certificate of such deposit, setting forth the cause in which the amount thereof, the person by whom, the purpose for which and the time when deposited shall be given to the party depositing the same by the clerk of said court. Upon the final disposition of the cause, action or proceedings in which such deposit was made, in case the party making such deposits shall be adjudged liable to pay the costs of such suit or proceedings, or to pay any other sum to secure the payment of which said deposit was made, then such fund so deposited shall under the direction of the court be applied in payment and satisfaction of the same. Should any surplus remain after satisfying such order of the court, the same shall be returned to the party depositing the same.

Deposit, disposition of on determination of case.

Section 29. No Justice of the Peace elected under this Act, shall during his term of office act as attorney in the trial of causes in any court in the City of Detroit.

Justice not to act as attorney.

Section 30. The Justices of the Peace mentioned herein shall have the power to make and adopt such rules of practice in said Justices' Courts as may to them be deemed advisable for the purpose of facilitating the business of said courts.

Justices may adopt rules of practice.

Section 31. In case a vacancy shall at any time occur in the office of the Justice of the Peace of the City of Detroit, by death, resignation, removal or other cause, it shall be the duty of the Common Council of the City of Detroit to fill such vacancy by appointment of some suitable person, who shall upon duly qualifying therefor fill such vacancy until the next general election, when a Justice of the Peace shall be elected to fill the unexpired term of said office.

Vacancy, how filled.

Section 32. None but attorneys at law of four years standing at the bar of Michigan shall be eligible to be elected or appointed or to hold the office of Justice of the Peace under the provisions of this Act: Provided, That nothing herein contained shall be construed as affecting the term of office of any of the present incumbents of the said office.

Who eligible as a justice.

Section 33. Act number four hundred and sixty of the Local Acts of eighteen hundred and ninety-five, being an Act entitled "An Act to establish and provide Justices' Courts in the City of

Repealing clause.

Detroit, and to repeal Act number two hundred and eighty of the Local Acts of eighteen hundred and eighty-three, entitled 'An Act relative to Justices' Courts in the City of Detroit,' approved April twenty-fifth, eighteen hundred and eighty-three, and all Acts amendatory thereof," approved June first, eighteen hundred and ninety-five, and all Acts amendatory thereof, and all other Acts or parts of Acts contravening the provisions of this Act shall be and the same are hereby repealed.

This Act shall take effect July 3rd, 1901.

House enrolled No. 252. Approved May 13, 1901.

AN ACT

To incorporate the Detroit Library Commission, and to provide means for acquiring land and the construction of a Public Library Building or Buildings thereon, and the maintenance of the same.

The People of the State of Michigan enact:

Section 1. That the persons now in office and constituting the Detroit Library Commission are hereby named, Powers of commission. constituted and continued as a Board of Commissioners of the Detroit Public Library, and they, and their successors in office, shall be known by the name of the "Detroit Library Commission," and in their corporate name are hereby empowered to take and hold by purchase, condemnation, gift, devise, bequest or otherwise, such real and personal property as may be needful or convenient for carrying out the intents and purposes of this Act, to make contracts and to establish all reasonable rules and regulations to protect the rights of property vested in the Board, and to aid in the performance of the duties imposed upon it. Said Commission may adopt Seal. and have a common seal, may sue and shall be subject to be sued in all courts of record in like cases as natural persons. The property of the Detroit Library Commission shall be exempt Property exempt from taxes, attachment, etc. from all taxes and assessments of every kind; no writ of attachment or writ of execution shall be levied upon the property of said Board. One member of said Detroit Library Commission shall be elected annually in place of the member whose term of office expires in that year, by the Board of Education of the City of Detroit; vacancies for any cause may be filled at any time by the election by the Board of Education of a person to fill such vacancy. One member elected annually. Members of said Detroit Library Commission Vacancy, how filled. shall not be members of the Board of Education, except in cases Who not to be members.

Term of office.	hereinafter mentioned, and when elected shall be clothed with all the powers for the management and control of the library now vested in the Board of Education or present Commission. The terms of office of said Commissioners elected by the Board of Education shall be six years. The President of the Board of Education shall be ex-officio a member of said Commission, and the Treasurer of said Board of Education shall be ex-officio Treasurer of said Commission, and shall have the custody of the moneys of said Commission, subject to its disposal. Said Commission shall have the power to enter into contracts for and supervise the construction of any library building or buildings, also to take such action by contract or otherwise as may be necessary, to provide for the maintenance of said library buildings and library, and may appoint, remove or otherwise control all persons employed in such library, and fix their compensation from time to time, in their discretion, and may appoint such officers as they deem necessary for the purposes of said Commission.
Ex-officio members.	
Treasurer.	
May construct library buildings.	
Provide for maintenance.	
Compensation of employees.	

Council may borrow money.	Section 2. The Common Council of the City of Detroit is hereby authorized to borrow a sum of money not exceeding one million dollars on the faith and credit of said city, and upon the best terms that can be made, and to issue bonds of said city to an amount not exceeding that sum, pledging its faith and credit for the payment of the principal and interest, but said bonds shall not be negotiated at less than their par value. Said bonds shall be denominated "Public Library Bonds of the City of Detroit," and shall be regularly dated and numbered in the order of their issue, and shall be for sums of not less than five hundred dollars each, and shall bear interest not exceeding four per cent. per annum, and shall be payable in thirty years from date. They shall be issued under the seal of the city, signed by the Mayor and countersigned by the Controller. The Controller shall keep an accurate record of said bonds showing the class of indebtedness to which they belong, the number, date and amount of each bond; its rate of interest, when and where the same is payable, and the person to whom it is issued or any transferee thereof. No bonds shall be issued under this Act until the issue of the same shall have been authorized and approved by the Board of Estimates of the City of Detroit. Such money shall not be borrowed, nor such bonds issued, unless a
Issue bonds.	
Denomination of bonds.	
Dated and numbered, and amount of.	
Interest on bonds.	
When bonds may be issued.	

majority of the qualified electors of the City of Detroit, voting at any general election to be held, in said city, voting on the question of said loan shall so determine, and the Common Council of said city is hereby authorized and required to give notice of submitting the question of said loan to the qualified electors of said city, by giving due notice thereof, causing the date, place of voting, and object of said election to be stated in a printed or written notice and posted in six public places in each voting precinct in said city, not less than six days before said election, and publishing the same in one or more of the daily papers published in said city for three days prior to said election, which notice shall state the amount of money proposed to be borrowed, the amount of bonds to be issued, and the purpose thereof; and it is hereby made the duty of said Common Council to cause said question to be duly submitted and to do any and all other legal acts which may be necessary for the proper and legal submission thereof. Such proposition shall be submitted in the following manner; the same being printed upon the official ballots for said election, or upon special ballots, if so ordered by the Common Council. The wording wherein such proposition shall be submitted shall be as follows:

Question to be submitted to electors.

Ballots.

For issuing Library Bonds, Yes . . .

For issuing Library Bonds, No . . .

The election shall be conducted and the votes canvassed and returns made, in all respects, as the aforesaid election held in said city is by law required to be conducted, and immediately upon the conclusion of such canvass, the Board of Canvassers shall make and sign certificate showing the whole number of votes cast upon such proposition, and the number for and against the same respectively; such city canvassers shall endorse upon the certificate, and declare in writing the result of such election; such certificate and declaration shall then be filed with the City Clerk, and entered and attached upon the records of said city, and a copy of said certificate and declaration, certified to by the City Clerk, shall be filed by him with the Controller of said city.

How election conducted.

Section 3. In order to provide a sinking fund for the redemption of the bonds provided for in the preceding section, the Common Council shall have power, and it shall be its duty,

Sinking fund.

Principal from
bonds; how to
used.

to raise by taxation, in each year, upon the property assessed for city purposes, within said city, a sum equal to two and one-half per cent. of the amount of said bonds issued under the provisions of this act, which sum, when raised, shall be paid into the sinking fund of said city, for the purposes aforesaid. The principal realized from the issue and sale of said bonds shall be paid to the Treasurer of said Commission for the purposes hereinbefore mentioned, and shall be applied exclusively to the purpose of acquiring sites and the construction of public library buildings, and the maintenance of public libraries in the City of Detroit, and shall be drawn from the said treasury on the order of the Detroit Library Commission, and the premium and accrued interest, if any, shall be credited to the sinking fund.

Library tax.

Section 4. A special library tax of one-fifth of one mill on the dollar on property assessed for city purposes shall be levied each year, with the other city taxes, and paid over to said Commission.

Private
property may
be taken.

Section 5. The Detroit Library Commission is hereby authorized to take private property for the use and benefit of the Detroit public libraries, within the limitations of the State Constitution, and to institute and prosecute proceedings for that purpose.

Proceedings to
take private
property.

Section 6. Such proceedings may be commenced and prosecuted under this Act, whenever the Detroit Library Commission shall have declared a new public library building a public necessity in the municipality, and shall declare that they deem it necessary to take private property, describing it, for such public improvement, designating it; and that the improvement is for the use and benefit of the public; and they shall, by resolution, direct the Corporation Counsel of the City of Detroit to institute the necessary proceedings in behalf of the said Detroit Library Commission, in the proper court, to carry out the object of the resolution in regard to taking private property by the said Board of Education. Jurisdiction is hereby conferred upon the Recorder's Court of the City of Detroit in all cases brought under this Act.

Idem.

Section 7. The Secretary of the Detroit Library Commission shall make and deliver to such Corporation Counsel, as soon as may be, a copy of such resolution, certified, and under

seal, and it shall be the duty of such Corporation Counsel to prepare and file in the name of the Detroit Library Commission, in the court having jurisdiction, a petition signed by him, in his official character, and duly verified by him, or by some person having knowledge of the facts; to which petition a certified copy shall be prima facie evidence of the action taken by the Detroit Library Commission, and of the passage of such resolution. The petition shall state among other things, that it is made and filed as commencement of judicial proceedings by the Detroit Library Commission in pursuance of this Act, to acquire the right to take private property for the use and benefit of the public schools of said city, without the consent of the owners, for a public improvement, designating it, for a just compensation to be made. A description of the property proposed to be taken shall be given, and generally, the nature and extent of the use thereof, that will be required in making and maintaining the improvement shall be stated, and also the names of the owners and others interested in the property, so far as can be ascertained, including those in possession of the premises. The petition shall also state that the Detroit Library Commission has declared such new school building, or addition to old school buildings, to be a necessity, and that they deem it necessary to take the private property described in that behalf, for such improvement, for the use or benefit of the public library of said city. The petition shall ask that a jury be summoned and empaneled to ascertain and determine whether it is necessary to take such private property as it is proposed to take, for the use or benefit of the public library of said city, and to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or thing, and may pray for any other or further relief to which the said Detroit Library Commission may be entitled within the object of this Act.

Section 8. Upon receiving said petition it shall be the duty ^{idem.} of the clerk of said court to issue a summons against the respondents named in said petition, and state briefly the object of said petition, and commanding them, in the name of the people of the State of Michigan, to appear before said court at a time and place to be named therein, not less than twenty days nor more

than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted.

Idem.

Section 9. Said summons shall be served by the sheriff, under sheriff or a deputy sheriff of the county, or by any member of the Metropolitan Police Force of the City of Detroit, at least five days before the return day thereof, upon all the respondents found within the county, by exhibiting the original and delivering a copy to each of them. If any respondent who is a resident of the county, cannot be found, the summons shall be served by leaving a copy thereof at his or her usual, or last place of abode, with some person of suitable age and discretion. If any minor, or person of unsound mind is interested in the premises to be taken, service may be made upon the guardian of such person, if any; and if there is no guardian, the court may appoint some discreet and proper person to be guardian for such person; in such proceeding any such guardian shall have authority to represent such person in said proceedings. Proceedings to appoint such guardian shall be the same as in other cases provided by statute. If it shall appear on the return day of the summons that any respondent cannot be found in the county, and has not been served in the manner provided, and if a non-resident has not voluntarily appeared, the court may make an order requiring said respondent or respondents to appear and show cause why the prayer of the petition should not be granted on a day to be named in the order, not less than thirty days from the date thereof, and may require that a certified copy of said order be personally served upon said respondents, wherever found, if practicable, at least six days before the time named in the order for appearance, or the court may make such order for appearance and require as to any or all such non-resident respondents who shall not have been served and have not appeared, that service be made by publishing a certified copy of such order for three successive weeks, at least once in each week, in at least one newspaper published within the municipality; the last publication to be at least six days before the date fixed in the order for appearance. Alias and plures summons may be issued and the court may adjourn proceedings from time to time, as there shall be occasion to, as in any other civil cases. Service of

such order in either mode prescribed shall be sufficient notice to bind the respondents, and the property represented by them. The return of the officer upon the summons and an affidavit of the due service of publication of the order for appearance, if any, shall be filed in the clerk's office before a jury shall be empaneled, and be sufficient evidence of service on the respondents and of the manner of service.

Section 10. On the return day of the summons, or on some subsequent date to which the proceedings are adjourned, if no sufficient cause to the contrary be shown, the court shall make an order that a jury be empaneled in the cause. Such jury shall be composed of twelve freeholders of the municipality, and shall be selected and empaneled as follows: The sheriff, under sheriff or deputy sheriff of the county, shall on the same day, or at an adjourned day, make a list of twenty-four resident freeholders of said city, and the Corporation Counsel, or by an assistant, and the respondents collectively, shall each have the right to strike six names from the list of persons written down as aforesaid, and subject to objection for cause, and the twelve persons whose names are left on the list shall compose the jury for the trial of the cause, and shall be summoned to attend at such time as the court shall direct, by a venire issued by the clerk of the court, and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, it shall be done by the judge of the court, and in case any of the persons to be summoned cannot be found in the county, or being summoned do not attend or shall be excused for cause or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the cause by said sheriff or sheriff's officer, or authorized person, and the practice and proceedings under this Act, except as herein provided, relative to the empaneling and summoning, and excusing the jurors and talesmen and imposing fines or penalties upon them for non-attendance, shall be the same as the practice and proceedings in the Circuit Courts of the State relative to petit jurors in civil cases in such courts except that peremptory challenges shall not be allowed. Every person who shall directly or indirectly ask to be placed upon said jury list shall thereby render himself ineligible to serve as a juror in said court for one year thereafter.

Idem.

Section 11. Every jury empaneled in any cause shall be sworn as follows: You do solemnly swear (or affirm) that in the matter of taking private property for public use for the use and benefit of the Detroit Library Commission, you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement, and for taking for the use and benefit of the Detroit Library Commission the private property which the petition describes and prays may be taken, and if you determine that it is necessary, then that you ascertain and determine and award the just compensation to be made therefor, and faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court a true verdict give according to law and the evidence, so help you God. They shall hear the proof and allegations of the parties and the arguments of counsel, and if so ordered by the court shall go to the place of the intended improvement in charge of an officer, and upon, or as near as practicable to any property proposed to be taken, and examine the premises. They shall be instructed as to their duties and the law of the case by the court, and shall retire under the charge of an officer, and render their verdict in the same manner as on the trial of any ordinary civil case.

Idem.

Section 12. The jury shall determine in their verdict the public necessity for the proposed improvement, and for taking such private property for the use and benefit of the public library of said city for such proposed improvement, and in case they find that such necessity exists, they shall award to the owners of said property such compensation therefor as they shall deem just, but it shall not be necessary for them to state in their report the damages separately, but only the net amount of damages. If any such private property taken shall be subject to a valid mortgage, lease, or agreement, and the taking thereof for such purpose will impair such security, lease or agreement, the jury shall apportion and award the owner of said mortgage, lessee or person interested in said agreement, such portion of the compensation as they shall deem just, and if there are any buildings or other personal property situated on the land taken, the jury may, at the request of the owner, allow instead of damages for the value, damages and expenses

for the removal thereof. The damages for taking any land belonging to the estate of a deceased person shall be awarded to said estate, and shall be paid to the executor or administrator of said estate, or if there is no such administrator or executor, or if he cannot be found, it shall be deposited with the Treasurer of the Board of Education to the credit of said estate and be paid to the person entitled to receive the same when found.

Section 13. To assist the jury in arriving at a verdict the ^{idem.} court may allow the jury when they retire to take with them the petition filed in the case, and maps showing the proposed improvement, and the location of each and all the parcels of property to be taken, with the names of all parties interested in such property, and may also submit to them a blank verdict, which may be as follows:

PART I.

We find that it is necessary to take the private property described in the petition in this cause, for the use and (or) benefit of the public library of the City of Detroit, for the proposed public improvement.

PART II.

The just compensation to be paid for such private property we have ascertained and determined and hereby award as follows:

Description of each of the several parcels of private property to be taken.	Owners, occupants and others interested in each parcel.	Compensation.	To whom payable.
.....
.....
.....
.....

The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict under the direction of the court, before it is submitted to the jury, or it may be done by the jury.

Idem.

Section 14. The verdict of the jury may be set aside by the court and a new trial ordered as in civil cases in the Circuit Courts in this State, and amendments either in form or substance may be allowed in any paper, petition, process, record or proceeding, or in the description of the property proposed to be taken, or the name of any person, whether contained in a resolution passed by the Detroit Library Commission of the City of Detroit, or otherwise, whenever the amendment will not interfere with the substantial rights of the parties. Any such amendment may be made after as well as before judgment confirming the verdict of the jury.

Appeal from proceedings to take private property.

Section 15. Any person whose property may be taken considering himself aggrieved may appeal from the judgment of the court confirming the verdict of the jury by filing in writing with the clerk of said court a notice of such appeal within five days after the confirmation, and within the same time serving a copy thereof on the Corporation Counsel of the City of Detroit, and filing a bond in said court to be approved by the judge thereof, conditioned for the prosecution of said appeal to the judgment and the payment of all costs, damages and expenses that may be awarded against him, in case the judgment of confirmation shall be confirmed. Such appeal shall be perfected within the same time and prosecuted as an appeal in chancery, as near as may be, subject to the provisions of this Act.

Idem.

Section 16. Said appeal may be brought on for hearing at any term of the Supreme Court, and said court may affirm, or for any substantial error reverse the judgment and may grant a new trial. Said court shall allow the prevailing party his reasonable costs and expenses to be taxed, and give judgment as in other chancery appeals, and all costs, damages and expenses awarded to the Detroit Library Commission of the City of Detroit, if it so elect, may be applied on or deducted from the compensation, if any, to be paid, or execution may issue on the judgment. Damages may be awarded against a party appealing without reasonable cause.

Verdict confirmed, proceedings on.

Section 17. When the verdict of the jury shall have been finally confirmed and the time in which to take an appeal has expired, or if an appeal is taken, on filing in the court below of a

certified copy of the order of the Supreme Court, affirming the judgment of confirmation, it shall be the duty of the clerk of the court to transmit to the Secretary of the Detroit Library Commission of the City of Detroit a certified copy of the verdict of the jury and of the judgment of confirmation, and of the judgment, if any, of confirmation.

Section 18. Within one year after the confirmation of the verdict of the jury, or after the judgment or confirmation shall on appeal be confirmed, the Detroit Library Commission of the City of Detroit shall set apart and cause to be provided in the treasury of the Detroit Library Commission of the City of Detroit the amount required to make compensation to the owners and persons interested for the private property taken as awarded by the jury, and shall in the resolution setting apart and providing said sum direct the Secretary of the Detroit Library Commission to draw a warrant upon the Treasurer of said Board for such amounts required to make compensation to the owners or person interested for the private property taken as awarded by the jury, and shall in the resolution setting apart and providing said sum direct the Treasurer of the Detroit Library Commission to pay to the persons respectively entitled to the money so set apart and provided to each his or her proportion, as ascertained and awarded by said verdict. It shall be the duty of the Treasurer of the Detroit Library Commission to securely hold such money for the purpose of paying for the property taken, and pay the same to the persons entitled thereto according to the verdict of the jury, on demand, and not pay out the money for any other purpose whatever. Whenever the necessary sum is actually in the treasury of the Detroit Library Commission for such purpose the Treasurer shall make and sign duplicate certificates, verified by his oath, showing that the amount of compensation awarded by the jury is actually in the treasury for the payment of the private property taken in the case, giving the title of the case he shall cause one of the certificates to be filed in the office of the clerk of said court in which the proceedings were had, and the other to be filed with the Secretary of the Detroit Library Commission, each certificate shall be *prima facie* evidence of the matters therein stated. Whenever the amount of such compensation is in the treasury, and thus secured to

Compensation
for property
taken.

be paid, the Detroit Library Commission of the City of Detroit may enter upon and take possession of, and use such private property for the purpose for which it was taken, and may remove all buildings, fences and other obstructions therefrom. In case of resistance or refusal on the part of anyone to the Detroit Library Commission of the City of Detroit, or their agents and servants entering upon and taking possession of such private property for the use and purpose for which it was taken, at any time after the amount of the compensation for such is actually in the treasury ready to be paid to those entitled thereto, the Detroit Library Commission of the City of Detroit, by the Corporation Counsel, may apply to the court, and shall be entitled on making a sufficient showing, to a writ of assistance to put them in possession of the property.

Fees of officers, jurors and witnesses in proceedings to take private property.

Section 19. Officers, jurors and witnesses in any proceedings under this act will be entitled to receive from the Detroit Library Commission of the City of Detroit, instituting the proceedings, the same fees and compensation as are provided by law for similar services in an ordinary action at law in the Circuit Courts of this State.

New trial or arrest of proceedings.

Section 20. The Detroit Library Commission of the City of Detroit shall not have power to discontinue proceedings under this Act after the rendition of the verdict of the jury, but they may direct the Corporation Counsel of the City of Detroit to move for a new trial or to arrest proceedings, or to take an appeal to the Supreme Court, and in any such case the same proceedings shall be taken as are hereinbefore prescribed in the case of like proceedings on the part of any respondent, except that no bond shall be required nor shall the Detroit Library Commission of the City of Detroit be required to pay the fees of the clerk of the Recorder's Court.

Building, etc., on private property taken to be sold.

Section 21. In case there is on the private property taken a building or other structure, the same shall be sold by or under the direction of the Detroit Library Commission; the amount produced by the sale shall belong and be paid to the fund for paying the compensation awarded for the property taken: Provided, That no proceedings as above mentioned shall be taken until the Board of Estimates of the City of Detroit, and the

Proviso as to expenses of proceedings.

Common Council of the City of Detroit, shall have first allowed such sum as will reasonably be supposed to cover the expenses of such proceedings.

Section 22. All Acts and parts of Acts contravening the provisions of this Act are hereby repealed.

This Act is ordered to take immediate effect.

House enrolled No. 154. Approved.

AN ACT

To authorize the City of Detroit to construct and maintain an additional Bridge or Bridges over the American channel of the Detroit river.

The People of the State of Michigan enact:

Council may
erect and
maintain
bridge.

Section 1. The Common Council of said city shall have power to erect and maintain a bridge or bridges over the American channel between Belle Isle and the main land, and to purchase or acquire by condemnation sufficient real estate on said main land, whether within or without the limits of the city, for suitable approaches to said bridge or bridges from the main land, and the police powers and jurisdiction conferred by the charter of said city shall extend to land thus acquired. The Common Council shall have power from time to time to fix the rate and provide for the collection of tolls for the use of said bridge upon such terms and conditions as the Common Council shall prescribe.

May fix rate
of and collect
tolls.

May borrow
money by
issuing bonds.

How bonds to
be issued and
negotiated.

To be submitted
to electors.

Section 2. For the purpose of carrying into effect the provisions of this Act, the Common Council shall have power to borrow, by issuing bonds upon the faith and credit of the city, such sums of money as may be necessary, not exceeding, in the aggregate, the sum of six hundred thousand dollars. Said bonds to be issued and negotiated in the manner provided by the provisions of the city charter relative to the sale, issue, record and redemption of bonds by said city, and the bonds so issued shall be denominated "Public Improvement Bonds of the City of Detroit." Such money shall not be borrowed, nor such bonds issued, unless a majority of the qualified electors of the City of Detroit, voting at an election to be held in said city, on the first Tuesday after the first Monday of November, nineteen hundred two, voting on the question of said loan shall so determine, and the Common Council of said city is hereby authorized and re-

quired to give notice of submitting the question of said loan to the qualified electors of said city, by giving due notice thereof, causing the date, place of voting and object of said election to be stated in a printed or written notice, and posted in six public places in each voting precinct in said city, not less than six days before said election, and publishing the same in one or more of the daily papers published in said city for three days prior to said election, which notice shall state the amount of money proposed to be borrowed; the amount of bonds to be issued, and the purpose thereof; and it is hereby made the duty of said Common Council to cause said question to be duly submitted and to do any and all other legal acts which may be necessary for the proper and legal submission thereof.

Section 3. Such proposition shall be submitted in the following manner, the same being printed upon the official ballots How question to be submitted. for said election, or upon special ballots, if so ordered by the Common Council. The wording wherein such proposition shall be submitted shall be as follows: For issuing bridge bonds—Yes. For issuing bridge bonds—No. The election shall be conducted and the votes canvassed and returns made, in all respects, as the aforesaid election held in said city is by law required to be conducted, and immediately upon the conclusion of such canvass the Board of Canvassers shall make and sign a certificate showing the whole number of votes cast upon such proposition, and the number for and against the same respectively; such city canvassers shall endorse upon the certificate, and declare in writing the result of such election; such certificate and declaration shall then be filed with the City Clerk, and entered and attached upon the records of said city, and a copy of said certificate and declaration, certified to by the City Clerk, shall be filed by him with the County Clerk of Wayne County.

House enrolled No. 391. Approved June 6, 1901.

AN ACT

To authorize the City of Detroit to pay certain claims contracted by the Common Council of the City of Detroit for the publication of proposed amendments to the City Charter under authority of an Act of the Legislature approved June fifteenth, eighteen hundred ninety-nine.

The People of the State of Michigan enact:

Payment of
expense for
advertising
proposed
amendments
to charter,
authorized.

Section 1. That the Common Council of the City of Detroit be and is hereby authorized to pay from the contingent fund of said city the sum of six hundred and sixty-two dollars and eighty cents, being the expense incurred for the publication of proposed amendments to the city charter under authority of an Act of the Legislature approved June fifteenth, eighteen hundred ninety-nine.

This Act is ordered to take immediate effect.

House enrolled No. 109. Approved March 26, 1901.

AN ACT

To authorize the Fire Commission of the City of Detroit to grant
a Pension to Caroline J. McNamara.

The People of the State of Michigan enact:

Section 1. That the Fire Commission of the City of Detroit be, and are hereby authorized to grant and pay a pension to Caroline J. McNamara, widow of John H. McNamara, who, while serving as a member of the Fire Department of the City of Detroit, received injuries in the year eighteen hundred eighty-nine, which resulted in his death on October twenty, A. D. nineteen hundred, in the same manner and to the same extent as though said John H. McNamara had died within one year from receiving such injuries, as provided in an Act to provide for the retirement of aged and disabled firemen, and for the payment of pensions to the wives and children of deceased firemen killed in the service of the City of Detroit, approved June sixteen, eighteen hundred eighty-five.

This Act is ordered to take immediate effect.

House enrolled No. 171. Approved April 5, 1901.

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